

falo, N. Y., against the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Lodges Nos. 47, 544, and 572, Brotherhood of Railway Trainmen, for the educational clause in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of the Minnesota Association ex-Prisoners of War, for the Hamilton bill granting pensions to ex-Union prisoners of war, 1861 to 1865—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of N. Redmiss and Julius Hahn, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the German-American Arbitration Conference, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of the United German Societies, of New York City, for arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of the New Immigrant Protective League, for better distribution of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the New Immigrant Protective League, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Board of Trade of the city of Chicago, for Government inspection of meat-packers' products—to the Committee on Agriculture.

Also, petition or resolution of the National German-American Alliance, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. WATKINS: Petition of the Beacon, of Grand Cane; the Sabine Banner, of Sabine Lake; the Journal, of Shreveport, La., and the Dodson Times, of Dodson, La., against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

THURSDAY, June 28, 1906.

Prayer by Rev. OLIVER JOHNSON, of Leslie, S. C.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, stating, in response to a resolution of May 2, 1906, that a detailed report of findings of fact and its conclusions thereon in regard to the subjects now under investigation or already investigated under joint resolution No. 32, approved March 7, 1906, for reasons set forth can not now be made, but will be prepared and submitted without any unnecessary delay; which, with the accompanying paper, was referred to the Committee on Interstate Commerce, and ordered to be printed.

LIFE-SAVING SERVICE AT SAN FRANCISCO, CAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the General Superintendent of the Life-Saving Service submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for reimbursement of the Life-Saving Service for stores and supplies destroyed by fire on or about April 18, 1906, at San Francisco, Cal., etc., \$3,500; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 4599. An act to remove the charge of desertion from the military record of Wakeland Heryford;

H. R. 12982. An act granting an honorable discharge to Seth Davis;

H. R. 13836. An act for the relief of Taylor Ware; and

H. R. 14930. An act granting a pension to Mary Whisler.

The message also announced that the House had passed the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public

lands in California and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb; and

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri; and

H. R. 20403. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message also returned to the Senate, in compliance with its request, the joint resolution (S. R. 70) providing for the improvement of a certain portion of the Mississippi River.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following joint resolutions; and they were thereupon signed by the Vice-President:

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.; and

H. J. Res. 179. Joint resolution providing for the improvement of a certain portion of the Mississippi River.

HOUSE BILL REFERRED.

The bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Virginia Federation of Labor, of Richmond, Va., remonstrating against the passage of the so-called "ship-subsidy bill," which was ordered to lie on the table.

Mr. BURKETT presented a petition of sundry citizens of Poole, Nebr., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. OVERMAN (for Mr. DUBOIS) presented sundry petitions of citizens of Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6468) ceding certain land appertaining to the post-office building at Reno, Nev., for use as a street, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 4477) for the relief of Daniel B. Murphy, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 20290) to amend the river and harbor act of March 3, 1905, reported it without amendment.

KENTUCKY RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20287) to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky., to report it favorably, without amendment.

Mr. BLACKBURN. The bill just reported from the Committee on Commerce is of considerable local importance. It is a House bill, unanimously reported from that committee, and I ask the Senate to allow it to be considered at this time.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20409) to authorize the Minneapolis, St. Paul and St. Mary Railway Company to construct a bridge across the Red River, to report it favorably without amendment. I call the attention of the senior Senator from Minnesota [Mr. NELSON] to the bill.

Mr. NELSON. I ask unanimous consent for the consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent that after the order of reports of committees has been concluded, the general deficiency appropriation bill may be reported when it is ready for the Senate. Under some late rule there is a question whether one can submit a report except when reports of committees are in order. The request is made simply to enable me to get in the bill later in the day.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Maine?

Mr. CULBERSON. I have just come in. I would be glad to have the request restated.

The VICE-PRESIDENT. The request is that after reports of committees have been concluded the report of the general deficiency appropriation bill from the Committee on Appropriations may be received.

Mr. HALE. The Senator is aware that under some late rule it is difficult to report anything from a committee unless it is done under the call. The bill is not yet ready. I simply ask that after this order is concluded when the bill is ready the report may be made.

The VICE-PRESIDENT. Without objection, leave is granted.

OBSOLETE ORDNANCE AND ORDNANCE STORES.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 19814) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers' and sailors' orphans' homes, to report it favorably without amendment; and I call the attention of the junior Senator from Ohio [Mr. DICK] to the same.

Mr. DICK. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WARREN. I report back from the Committee on Military Affairs the bill (S. 6332) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers' and sailors' orphans' homes, and I move its indefinite postponement, as it relates to the same subject-matter that has been determined by the passage of the former bill.

The motion was agreed to.

WATERS OF LITTLE RIVER, ALABAMA.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 20173) to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant, to report it favorably with

amendments. I call the attention of the Senator from Alabama [Mr. MORGAN] to this report.

Mr. MORGAN. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Public Lands were, on page 1, line 5, before the word "lands," to strike out the words "the said," and after the word "lands," to strike out the word "so," so as to read:

That there be, and is hereby, granted unto Henry T. Henderson and associates the right or authority to perpetually divert the waters of Little River from lands owned by the United States of America, and situated in Mays Gulf, in township 8 south, range 9 east, in the State of Alabama, for the purpose of storing and utilizing said waters in the operation of a water-power plant to be erected at or near Blanche, in Cherokee County, in the State of Alabama, for the generation of electric energy or power, and the sale of electric light and electric power.

The amendments were agreed to.

Mr. GALLINGER. I observe the phrase occurs "after the passage of this bill." It seems to me it ought to read "this act." We never use the term "bill" in the body of an act.

Mr. HANSBROUGH. Let that amendment be made.

The SECRETARY. On page 2, line 2, strike out the word "bill" and insert the word "act."

The amendment was agreed to.

Mr. HEYBURN. There was some confusion, and I did not catch the first phrase as to whether the bill is of general application—

Mr. MORGAN. Oh, no.

Mr. HEYBURN. Or special. It has no general application?

Mr. MORGAN. It is purely local and very unimportant to anybody except the parties there.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize Henry E. Henderson and his associates to divert the waters of Little River, in the State of Alabama, from the lands of the United States for use of electric light and power plant."

MARGARET BRANNON.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5545) granting an increase of pension to Margaret Brannon, to report it favorably with amendments, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Pensions were, in line 6, to strike out "Brannon" and insert "Brannon;" and in the same line, after the word "Patrick," to strike out "Brannon" and insert "Brannon;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Brannon, widow of Patrick Brannon, late of Company M, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margaret Brannon."

EDWARD A. BARNES.

Mr. BURNHAM. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 18001) granting an increase of pension to Edward A. Barnes, to report it favorably without amendment, and as this is an urgent case, I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward A. Barnes, late of Company C, Sixth Regiment Massachusetts Volunteer Infantry, war with Spain, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DAVISON.

Mr. CLAPP, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Whereas on the 15th day of December, 1904, the Court of Claims made report to the President of the Senate pro tempore, in the case of James Davison, brevet captain, United States Army, retired, consisting of a certified copy of the findings filed by the court in the aforesaid cause, which had been referred to said court by a resolution of the Senate of the United States under the act of March 3, 1887. The bill so referred by the said resolution of the Senate on the 27th day of June, 1904, was S. 1588, Fifty-seventh Congress, first session, and related to the claim of James Davison, who was a brevet captain in the United States Army, retired, for longevity pay, in accordance with the act of June 18, 1878 (20 Statutes at Large, 150). An official copy of said report is embodied in Senate Document No. 58, Fifty-eighth Congress, third session, which is hereto attached and made a part hereof. In concluding its finding the court says:

"If said act is to be considered as retroactive, then the above balance shown would be the correct amount due; but if not, then there is nothing due."

Therefore, be it

Resolved by the Senate of the United States, That the said report of the said Court of Claims be rereferred to the said court, with directions to amend its said report by stating whether or not the said act of June 18, 1878 (20 Statutes at Large, 150), ought to be considered as retroactive for the purposes of this case, and report at the next session of the Fifty-ninth Congress.

BILLS INTRODUCED.

Mr. LA FOLLETTE introduced a bill (S. 6546) granting a pension to Mary McCarty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6547) for the relief of Thomas W. Mason and Benjamin R. Thomas; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN (by request) introduced a bill (S. 6548) for the relief of the legal representatives of George E. Kirk; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6549) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded, and for this purpose, any statutes of limitation to the contrary notwithstanding; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. President, I ask unanimous consent that the Senate reconsider its action in adopting the conference report on the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

I will state that, by unanimous consent, in the House the report has just been laid aside with the hope that a correction can be made in the report.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the vote by which the Senate agreed to the conference report on House bill 19844, being the sundry civil appropriation bill, be reconsidered. Is there objection to the request? The Chair hears none. The conference report will be recommitted to the conferees.

Mr. HEMENWAY submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 19844) making appropriations for the sundry civil expenses of the Government, etc., with the amendments of the Senate thereto, and the message of the Senate of June 27, 1906, notifying the House of the agreement of the Senate to the conference report thereon.

PURE-FOOD BILL.

Mr. HEYBURN. I ask unanimous consent to withdraw the conference report on the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes. The object is that the committee may make some formal adjustment of the language in the first and second paragraphs. It is for a formal matter purely.

The VICE-PRESIDENT. Without objection, the conference report is withdrawn.

REPORT OF THE PHILIPPINE COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was

read, ordered to be printed, and, with the accompanying reports, referred to the Committee on the Philippines:

To the Senate and House of Representatives:

I transmit herewith the annual report of the Philippine Commission for the year 1905. The recommendations set forth in the accompanying letter of the Secretary of War have my cordial approval.

THEODORE ROOSEVELT.

THE WHITE HOUSE, June 28, 1906.

PUBLIC BUILDINGS BILL.

Mr. SCOTT. I report back from the Committee on Public Buildings and Grounds with amendments the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, and I ask for its immediate consideration. I wish to state, on behalf of the Committee on Public Buildings and Grounds, that the members and the clerk of that committee have worked faithfully and laboriously through the night, and it has been impossible for the clerk to get up at this time a report to appear on the desk of Senators that would enlighten them in regard to the bill.

The total amount the bill carried as it came from the House is \$21,065,000. The committee cut this amount \$1,638,000, and the committee added to the bill \$5,522,500, making a total increase of \$4,084,500. Of this amount, \$3,000,000 was added for the purchase of a site for the departmental building in this city for the use of the Department of State, the Department of Justice, and the Department of Commerce and Labor.

I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SCOTT. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be first considered.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from West Virginia that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered? The Chair hears no objection.

Mr. MALLORY. I endeavored to hear what the President was saying in reference to this bill. There was so much confusion I could not hear him. What was the request?

The VICE-PRESIDENT. The request was that the public-buildings bill be now considered and that the committee amendments be first acted upon. There being no objection, the Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Public Buildings and Grounds was, in section 1, on page 2, line 4, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

United States post-office and court-house at Colorado Springs, Colo., \$75,000, of which amount the Secretary of the Treasury is hereby authorized, in his discretion, to expend so much as may be necessary for the acquisition of additional land for the enlargement of the site heretofore acquired.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out:

United States post-office at Crawfordsville, Ind., \$15,000.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "thousand," to strike out "fifty" and insert "twenty-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at St. Paul, Minn., \$125,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert:

United States post-office at Reno, Nev., \$40,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

United States custom-house at New York, N. Y., \$450,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to insert the following:

United States post-office at Ogden, Utah, \$120,000.

The amendment was agreed to.

The next amendment was, on page 4, line 22, before the word

"thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at Spokane, Wash., \$75,000.

Mr. PILES. I ask the Senate to disagree to that amendment. Spokane is one of the—

Mr. SCOTT. If the Senator from Washington will allow us to have the bill read through, we can pass over that amendment and come back to it.

Mr. PILES. Very well; I will make the same objection to the next amendment also where the appropriation is cut—

Mr. SCOTT. Very well; when we come to it, it can be passed over.

Mr. DICK. Are we to understand that it is to be the general rule to allow the bill to be read and then to go back to amendments?

Mr. SCOTT. If there is no objection to an item, we will not have to go back to it.

The Secretary resumed the reading of the bill. The next amendment was, on page 5, line 1, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at Takoma, Wash., \$75,000.

Mr. SCOTT. Let that amendment be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 5, after line 13, to insert:

United States post-office at Evanston, Wyo., \$5,000.

Mr. FORAKER. Mr. President, the Secretary has already passed one item that I want to ask an increase of, and that is the allowance for the post-office building at Warren, Ohio. It is only \$30,000. I have personal knowledge about that situation, and we might just as well have no appropriation as to have only \$30,000.

Mr. SCOTT. That is not a committee amendment. That is an item in the bill as it came from the House. We are now considering the committee amendments.

The VICE-PRESIDENT. The committee amendments under the unanimous-consent agreement are to be first considered.

Mr. FORAKER. I understand that the Secretary is reading the bill, and after he has read the bill through we will go back and consider amendments. This I supposed was the reading of the bill. At any rate I want to give notice that as to one item I shall want to return to it at the proper time.

The VICE-PRESIDENT. The question is on agreeing to the amendment to insert lines 14 and 15 on page 5.

The amendment was agreed to.

The next amendment was, in section 2, on page 5, line 24, before the word "thousand," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

United States post-office at Aurora Ill., \$25,000.

The amendment was agreed to.

The next amendment was, on page 6, line 4, before the word "thousand," to strike out "thirty" and insert "thirty-five;" so as to make the clause read:

United States post-office at Ottumwa, Iowa, \$35,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert the following:

United States post-office at Wichita, Kans., \$50,000.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

United States post-office and court-house at Detroit, Mich., \$300,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 12, to insert the following:

United States post-office and court-house at Trenton, N. J., \$125,000.

The amendment was agreed to.

The next amendment was, on page 6, line 16, before the word "thousand," to strike out "thirty-five" and insert "forty;" so as to make the clause read:

United States post-office at Brooklyn, N. Y., \$40,000.

The amendment was agreed to.

The next amendment was, on page 6, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

United States post-office and court-house at Columbus, Ohio, \$300,000.

Mr. FORAKER. Mr. President, this item for Columbus, Ohio—

Mr. SCOTT. Let the amendment be passed over, and we will come back to it.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. McLaurin. Did not the Secretary overlook the item for Jackson, Miss., on line 11, page 6?

The VICE-PRESIDENT. There is no amendment proposed to that item.

Mr. SCOTT. I did not hear what the Senator from Mississippi said.

The VICE-PRESIDENT. The Senator from Mississippi merely inquired with respect to the item on page 6, line 11.

The Secretary resumed the reading of the bill. The next amendment was, on page 7, after line 2, to insert the following:

United States post-office at Salem, Oreg., \$15,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert the following:

United States post-office at Newport, R. I., \$20,000.

The amendment was agreed to.

The next amendment was, on page 7, line 8, before the word "thousand," to strike out "fifty" and insert "one hundred and ten;" so as to make the clause read:

United States post-office and court-house at Chattanooga, Tenn., \$110,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 16, to insert the following:

United States post-office at Lynchburg, Va., \$80,000.

The amendment was agreed to.

The next amendment was, on page 8, line 6, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office and court-house at Peoria, Ill., \$150,000.

Mr. HOPKINS. Let that amendment be passed over. I want to see the chairman of the committee on it before it is finally settled.

Mr. SCOTT. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 8, after line 6, to insert the following:

United States post-office at Rockford, Ill., \$25,000.

The amendment was agreed to.

The next amendment was, on page 8, line 10, before the word "thousand," to strike out "seventy-five" and insert "one hundred;" so as to make the clause read:

United States post-office at South Bend, Ind., \$100,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert the following:

United States post-office at Lafayette, Ind., \$60,000.

The amendment was agreed to.

The next amendment was, on page 8, line 14, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office and court-house at Cedar Rapids, Iowa, \$150,000.

Mr. DOLLIVER. I desire to have this item passed over.

Mr. SCOTT. Mr. President, if it is going to be the disposition of the Senate to object to every item that the committee has given consideration to all night, and that the House gave consideration to for, I suppose, two or three months, I presume our labors for the last twenty-four hours will go for naught. I am not saying this particularly to the Senator from Iowa, but it strikes me that Senators should not object to the amendments of the committee unless there is some very valid reason for the objection.

Mr. DOLLIVER. Mr. President—

Mr. SCOTT. I will say, if the Senator will allow me, that I am not referring particularly to him, and I agree to pass over this amendment to enable him to make his explanation when the proper time comes. But I do hope that Senators will not object to every little reduction and correction the committee has made. We have tried to be fair; we have tried to be just; we have tried to be economical.

Mr. FORAKER. Mr. President, as I have already called attention to two or three items and will feel it my duty to call attention to two or three other items, it may be that the Senator from West Virginia had me in mind. However that may be—

Mr. SCOTT. No, sir; I had not.

Mr. FORAKER. I hope the Senator will not complain, because while we concede that he has conscientiously and very intelligently done his duty, we claim that we are doing the

same. I had no opportunity to be heard before the committee. I went to the committee when the committee was in session. I got as far as the door, and I was told they would not hear anybody; and here is the only place we have a chance to be heard formally.

Mr. SCOTT. If the Senator from Ohio will allow me, the committee gave out information that as soon as the committee was organized and knew themselves what they wanted to do, or what they thought they wanted to do, we would be glad to hear any Senator for five or ten minutes. If the Senator did not get that word—of course I could not go and tell him—

Mr. FORAKER. I did not get that word. The announcement was not made in the Senate, and no word was sent to me. My understanding was that the committee would be in session yesterday morning, and when I went to the committee room for the purpose of being heard the chairman, after the committee had adjourned, did hear me, and I am much obliged to him. But that is neither here nor there. The only point I wanted to make is that while we do not like to raise objection to anything the chairman may have thought it was proper to put in the bill, it may be that we consider it to be our duty to do it. I am sure I do.

Mr. SCOTT. The Senator from Ohio will kindly remember that this bill has to go to conference, and I take it for granted that he is familiar enough with the reports of committees carrying appropriations to know that possibly some of these things may be corrected in conference. If we had adopted the House bill as it came here, there would have been no need of a conference I take it.

Mr. FORAKER. The Senator speaks of this as a bill carrying appropriations. I do not know whether it does or not. So far as it has yet been read it simply provides the maximum amount—

Mr. SCOTT. Indirectly it carries appropriations.

Mr. FORAKER. Limiting the contracts that may be made. That is the reason why it is important as to some of these items that we shall have a word to say.

Mr. WARREN. Mr. President, just a word. I think all Senators must understand that the situation is rather unusual. The bill came to us at a late hour yesterday from the House. The committee has been working almost all the hours in night and day since it received the bill. There seemed to be some inequalities in the bill as it came from the House, and while the Senate Committee on Public Buildings and Grounds, with the feeling which, I am willing to admit usually prevails in the Senate, would perhaps be more liberal, taking the bill as a whole, than the House in their judgment and duty have felt they could be, the comparison of one with the other was such that it seemed as if the Senate committee ought to attempt to regulate certain few of the House items.

I am frank to say that a number of those have been marked for change, so as to go into conference, where we can get the benefit of the information the House conferees undoubtedly have. Of course, as in the case of all well-conducted conferences, information finally brought out must prevail. If the Senate is wrong in these cuts, it must naturally expect to recede as well on an amount that they have cut down as on an amount that they have raised.

If I may have the attention of the Senator from Ohio especially, I trust the Senate will maintain its patience and kindness to this committee, and leave them with something in the bill to arbitrate and go into conference with, with the assurance that the information they will there have will, in my judgment, govern the action of the conference.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I report back from the Committee on Appropriations with sundry amendments the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes. I move that at 6 o'clock the Senate will take a recess until 8, in order that the bill may be considered.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate shall take a recess at 6 o'clock until 8 o'clock this evening for the purpose—

Mr. HALE. No; I will not limit it.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate take a recess at 6 o'clock until 8 o'clock this evening. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

PUBLIC BUILDINGS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of

sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The reading of the bill was continued. The next amendment of the Committee on Public Buildings and Grounds was, on page 8, line 17, before the word "thousand," to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

United States post-office and custom-house at Springfield, Mass., \$75,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 17, to insert the following:

United States post-office at Kalamazoo, Mich., \$12,000.

The amendment was agreed to.

The next amendment was, on page 8, line 21, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at Duluth, Minn., \$100,000.

Mr. CLAPP. I will ask that that amendment be passed over; and in this connection I desire to say I think we may just as well speak out in meeting here as not. Mr. President, I think the committee has done its very best with this bill, and, for one, I should be willing to sit here and accept the bill as they have presented it without any change; but what will interfere with the reading of the committee amendments is the thought on the part of Senators that where appropriations have been cut down in their States if they do not protect their localities other Senators will secure protection later for theirs, and the consequence will be that there will be endless interruption to the reading of the bill.

I would suggest, if it be in order, that the Senate committee amendments be read, with the understanding that after they are read any Senator may offer any individual amendment he desires. The action of the Senate on such an amendment would probably be a discouragement to the bringing up of any more amendments; at any rate, it would test the sense of the Senate as to whether or not the action of the committee should be torn to pieces, and it would secure the prompt and immediate reading of the committee amendments. If it is in order, I make that suggestion.

Mr. TILLMAN. Mr. President, I should like to inquire if the agreement suggested by the Senator from Minnesota [Mr. CLAPP] were reached, what would become of the amendments which have already been adopted? Unless everything is to go through and all of us stand on the same level, we do not want to sit here and see items which are of interest to us and our States adopted, when other items of similar import to other States have been passed, and then later, by some hocus-pocus—I do not charge that that would be by any indirection or possible collusion of the committee—but by some means or other the increases or the changes which Senators seek, or the changes to which they object, will be made.

Mr. CLAPP. Mr. President, the understanding might extend to this—

Mr. TILLMAN. Let the Senator from Minnesota request that we go back and start at the beginning, and let all of the amendments which have been agreed to go out. Let us all sit silent together, or let us all talk together.

Mr. CLAPP. My suggestion is, if it be the sense of the Senate, that the reading of this bill at this time, as to amendments which have been read and as to future amendments, shall be with the understanding that after the committee amendments have been read, then any Senator may raise the point as to any amendment he sees fit. I think, Mr. President, this would facilitate the passage of the bill, for the reason that probably the first effort of that kind would be promptly overthrown by the vote of the Senate; and that would discourage other Senators from attempting to interfere with the work of the committee; otherwise Senators will not sit silent and be estopped in the passage of these amendments as the reading of the bill proceeds under the present order.

Mr. SCOTT. Mr. President, it strikes me that up to the eighth page of the bill we have been getting along very well. The Senator from Minnesota noticed the reduction in the appropriation for Duluth, but if he will turn to Minneapolis he will see that the committee there increased the appropriation to \$100,000 for his State. I think, looking at this bill as a whole, Senators will find that everybody has been at least justly dealt with, and I hope that the reading of the bill in the regular order may be proceeded with in accordance with the unanimous-consent agreement which was made.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Minnesota?

Mr. CLAPP. One moment, Mr. President. I call the atten-

tion of the Senator from West Virginia to the fact that my remarks were not intended as any reflection upon the committee.

Mr. SCOTT. I know that.

Mr. CLAPP. I said I would gladly sit here and vote for the adoption of this bill as reported by the committee, if we could be assured that that could be done, when we get through with the reading of the committee amendments.

The VICE-PRESIDENT. Does the Senator from Minnesota ask consent for the modification of the unanimous-consent agreement which was made?

Mr. CLAPP. No, Mr. President. It does not seem to be the sense of the Senate to adopt that suggestion.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee, on page 8, line 21, to strike out "and twenty-five;" so as to make the appropriation for the United States post-office, court-house, and custom-house at Duluth, Minn., \$100,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 8, after line 22, to insert the following:

United States post-office at Butte, Mont., \$15,000.

The amendment was agreed to.

The next amendment was, at the top of page 9, to insert the following:

United States post-office at Nebraska City, Nebr., \$5,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

United States post-office at Erie, Pa., \$17,500.

The amendment was agreed to.

The next amendment was, on page 9, line 14, before the word "thousand," to strike out "eighty" and insert "seventy-five;" so as to make the clause read:

United States post-office and court-house at Greenville, S. C., \$75,000.

The amendment was agreed to.

The next amendment was, in section 6, on page 11, line 9, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at Bessemer, Ala., \$60,000.

The amendment was agreed to.

The next amendment was, on page 11, line 11, before the word "thousand," to strike out "fifty" and insert "forty;" so as to make the clause read:

United States post-office at Florence, Ala., \$40,000.

The amendment was agreed to.

The next amendment was, on page 11, line 13, before the word "thousand," to strike out "fifty" and insert "twenty-five;" so as to make the clause read:

United States post-office and court-house, at Tuscaloosa, Ala., \$125,000.

The amendment was agreed to.

The next amendment was, on page 11, line 19, before the word "thousand," to strike out "eighty-five" and insert "sixty-five;" so as to make the clause read:

United States post-office and court-house at Ocala, Fla., \$65,000.

Mr. MALLORY. I ask that that amendment may be passed over, Mr. President.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 11, line 21, before the word "thousand," to strike out "forty-five" and insert "fifty;" so as to make the clause read:

United States post-office at Gainesville, Ga., \$50,000.

The amendment was agreed to.

The next amendment was, on page 12, line 6, before the word "hundred," to strike out "five" and insert "four;" so as to make the clause read:

United States post-office at Des Moines, Iowa, \$400,000.

Mr. DOLLIVER. I ask that that amendment may be passed over, Mr. President.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 12, line 12, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to make the clause read:

United States post-office at Webster City, Iowa, \$50,000.

Mr. DOLLIVER. I make the same request, Mr. President, in regard to that amendment.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 12, line 14, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to make the clause read:

United States post-office at Bar Harbor, Me., \$50,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

United States post-office at Sault Ste. Marie, Mich., \$100,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 2, to insert:

United States post-office and other Government buildings at San Juan, P. R., \$200,000.

Mr. SCOTT. I want to call the attention of the Senator from Ohio to the amendment which has just been stated. The Senator from Ohio expressed an interest in that a moment ago, and I inquire if he desires to have the amendment passed over?

Mr. FORAKER. I should like to have the amendment passed over for the present, Mr. President.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 13, line 8, before the word "thousand," to strike out "sixty-five" and insert "seventy;" so as to make the clause read:

United States post-office at York, Nebr., \$70,000.

The amendment was agreed to.

The next amendment was, on page 13, line 14, before the word "thousand," to strike out "five hundred" and insert "three hundred and fifty;" so as to make the clause read:

United States post-office at Toledo, Ohio, \$350,000.

Mr. FORAKER. I ask that that amendment may be passed over, Mr. President.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 13, line 18, before the word "thousand," to strike out "ninety-eight" and insert "ninety;" so as to make the clause read:

United States post-office and custom-house at Portsmouth, Va., \$90,000, of which amount the Secretary of the Treasury is hereby authorized, in his discretion, to expend so much as may be necessary for the acquisition of additional land for the enlargement of the site heretofore acquired.

The amendment was agreed to.

The next amendment was, in section 8, page 15, line 11, before the word "thousand," to strike out "forty" and insert "thirty-five;" so as to make the clause read:

United States post-office at Dothan, Ala., \$35,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to insert the following:

United States post-office at Gadsden, Ala., \$60,000.

The amendment was agreed to.

The next amendment was, on page 15, line 15, before the word "thousand," to strike out "and thirty;" so as to make the clause read:

United States post-office, custom-house, and land office at Eureka, Cal., \$100,000.

Mr. PERKINS. I ask that that amendment may be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, at the top of page 16, to insert:

United States post-office at Willimantic, Conn., \$50,000.

The amendment was agreed to.

The next amendment was, on page 16, line 6, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to make the clause read:

United States post-office at Trinidad, Colo., \$50,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to insert:

United States post-office at Milford, Del., \$30,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

United States post-office at Fernandina, Fla., \$100,000.

Mr. MALLORY. I offer an amendment to the committee amendment, on page 16, line 9, after the word "post-office" to insert "custom-house and court-house."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, in line 9, page 16, by inserting after the word "post-office" the words "custom-house and court-house."

Mr. SCOTT. The committee will accept that amendment. The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 16, line 12, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

United States post-office and court-house at Albany, Ga., \$100,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 14, to insert:

United States post-office at Marietta, Ga., \$50,000, cost of site not to exceed \$10,000.

Mr. SCOTT. After the word "dollars," in line 16, on page 16, I move to insert as a new paragraph the following:

Post-office at Dalton, Ga., \$50,000.

I will state that that item was omitted in the printing of the bill.

Mr. CLAY. As the Senator from West Virginia has stated, that item was dropped out in the printing of the bill, and I trust the amendment may be adopted.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 16, line 18, before the word "thousand," to strike out "one hundred" and insert "ninety;" so as to make the clause read:

United States post-office and court-house at Moscow, Idaho, \$90,000.

The amendment was agreed to.

The next amendment was, on page 16, line 24, before the word "thousand," to strike out "sixty-five" and insert "sixty;" so as to make the clause read:

United States post-office at Belvidere, Ill., \$60,000.

The amendment was agreed to.

The next amendment was, on page 17, line 8, before the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

United States post-office at Moline, Ill., \$65,000.

Mr. CULLOM. I hope that the amendment of the committee may not be agreed to, and that the amount may be allowed to stand at \$75,000, as fixed by the House of Representatives.

Mr. SCOTT. Let the amendment go over for the present.

Mr. CULLOM. Very well; let it go over. I will withhold any motion to amend for the time being.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 17, line 10, before the word "thousand," to strike out "sixty-five" and insert "fifty;" so as to make the clause read:

United States post-office at Paris, Ill., \$50,000.

The amendment was agreed to.

The next amendment was, on page 17, line 16, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to make the clause read:

United States post-office at Iola, Kans., \$50,000.

Mr. LONG. I ask that that item be passed over.

The VICE-PRESIDENT. Without objection, the item will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 17, line 20, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to make the clause read:

United States post-office at Newton, Kans., \$50,000.

Mr. LONG. I ask that that item also be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 17, line 24, before the word "thousand," to strike out "one hundred" and insert "eighty;" so as to make the clause read:

United States post-office and court-house at Bowling Green, Ky., \$80,000.

Mr. McCREARY. I ask that the amendment in regard to Bowling Green, Ky., be passed over.

Mr. SCOTT. Let the amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, line 6, before the word "thousand," to strike out

"sixty-five" and insert "forty;" so as to make the clause read:

United States post-office at London, Ky., \$40,000.

Mr. McCREARY. I ask that the item in regard to London be passed over.

Mr. SCOTT. Let it go over.

The VICE-PRESIDENT. Without objection, the item will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, line 10, before the word "thousand," to strike out "seventy-five" and insert "twenty-five;" so as to make the clause read:

United States post-office and court-house at Owensboro, Ky., \$125,000.

Mr. McCREARY. I ask that the item in regard to Owensboro be passed over.

The VICE-PRESIDENT. It will be passed over, without objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, after line 13, to insert:

United States post-office at Versailles, Ky., \$25,000.

Mr. SCOTT. Let that amendment go over.

The VICE-PRESIDENT. The amendment will be passed over, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, line 19, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

United States post-office and court-house at Lake Charles, La., \$100,000.

Mr. FOSTER. I ask that that amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, line 22, before the word "thousand," to strike out "seventy-five" and insert "fifty;" so as to make the clause read:

United States post-office at Auburn, Me., \$50,000.

The amendment was agreed to.

The next amendment was, on page 19, line 2, before the word "hundred," to strike out "nine" and insert "eight;" so as to make the clause read:

United States appraisers stores at Boston, Mass., \$800,000.

The amendment was agreed to.

The next amendment was, on page 19, line 4, before the word "thousand," to insert "and fifteen;" so as to make the clause read:

United States post-office at North Adams, Mass., \$115,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 4, to insert:

United States post-office at Pittsfield, Mass., \$115,000.

The amendment was agreed to.

The next amendment was, on page 19, line 14, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at Manistee, Mich., \$60,000.

The amendment was agreed to.

Mr. McLAURIN. I do not know whether this is the proper time, but at the proper time I desire to make a motion to amend the appropriation for Greenville, Miss., and make it \$100,000.

Mr. SCOTT. We can not hear the Senator from Mississippi.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment. An amendment to a committee amendment is now in order.

Mr. McLAURIN. I move—

Mr. SCOTT. I object. The amendment of the Senator from Mississippi is not in order at this time.

The VICE-PRESIDENT. Is the amendment of the Senator from Mississippi to the text of the bill or to a committee amendment?

Mr. McLAURIN. To the text of the bill.

The VICE-PRESIDENT. Then it is not in order until the reading of the bill has been concluded.

Mr. McLAURIN. That is what I desired to know.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 19, line 22, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

United States post-office and custom-house at Gulfport, Miss., \$75,000.

The amendment was agreed to.

The next amendment was, at the top of page 20, to insert:
United States post-office at Alexandria, Minn., \$30,000.

The amendment was agreed to.

The next amendment was, on page 20, line 3, before the word "thousand," to strike out "thirty-five" and insert "thirty;" so as to make the clause read:

United States post-office at New Ulm, Minn., \$30,000.

The amendment was agreed to.

The next amendment was, on page 20, line 15, before the word "thousand," to strike out "two hundred and twenty-five" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office, court-house, and land office at Great Falls, Mont., \$150,000.

Mr. CARTER. Mr. President, let that amendment be passed over.

The VICE-PRESIDENT. The amendment will be passed over, without objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 20, line 17, before the word "thousand," to strike out "sixty-five" and insert "eighty-five;" so as to make the bill read:

United States post-office at Kearney, Nebr., \$85,000.

The amendment was agreed to.

The next amendment was, on page 20, line 23, before the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

United States post-office at Canandaigua, N. Y., \$65,000.

The amendment was agreed to.

The next amendment was, on page 20, line 25, before the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

United States post-office at Hudson, N. Y., \$65,000.

The amendment was agreed to.

The next amendment was, on page 21, line 2, before the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

United States post-office at Olean, N. Y., \$65,000.

The amendment was agreed to.

The next amendment was, on page 21, line 4, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to make the clause read:

United States post-office at Schenectady, N. Y., \$150,000.

The amendment was agreed to.

The next amendment was, on page 21, line 6, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office at Yonkers, N. Y., \$150,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 6, to insert:

United States post-office at Fayetteville, N. C., \$60,000.

The amendment was agreed to.

The next amendment was, on page 21, line 12, before the word "thousand," to strike out "sixty" and insert "seventy-five;" so as to make the clause read:

United States post-office at Salisbury, N. C., \$75,000.

The amendment was agreed to.

The next amendment was, on page 21, line 14, before the word "thousand," to strike out "sixty" and insert "seventy-five;" so as to make the clause read:

United States post-office and court-house at Washington, N. C., \$75,000.

The amendment was agreed to.

The next amendment was, on page 21, line 16, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

United States post-office and court-house at Devils Lake, N. Dak., \$150,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert:

United States post-office at East Liverpool, Ohio, \$100,000.

Mr. SCOTT. I ask that that amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 21, line 23, before the word "thousand," to strike out "one hundred" and insert "ninety;" so as to make the clause read:

United States post-office at Marietta, Ohio, \$90,000.

Mr. FORAKER. I ask that that amendment be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment

of the Committee on Public Buildings and Grounds was, on page 22, after line 2, to insert:

United States post-office at Baker City, Oreg., \$65,000.

Mr. FULTON. Mr. President, I wish to inquire whether the chairman of the committee will consent to an increase of the appropriation in the amendment providing for the Baker City post-office, and also the following amendment providing for Eugene, Oreg.?

Mr. SCOTT. The Senator understands, I think, that the committee amendments were to be first considered.

Mr. FULTON. I simply wish to inquire—

The VICE-PRESIDENT. Does the Senator from Oregon wish to offer an amendment to the committee amendment relating to the United States post-office at Baker City, Oreg.?

Mr. FULTON. I wish to ask the chairman if he would consent to an increase in that item?

The VICE-PRESIDENT. That is a committee amendment, and an amendment to that is now in order.

Mr. FULTON. Is not an amendment to a committee amendment in order?

The VICE-PRESIDENT. It is. That is what the bill is being read for.

Mr. FULTON. I do not wish to press the matter, but if it is in order—

Mr. SCOTT. I will ask that the Baker City amendment go over.

The VICE-PRESIDENT. It will be passed over, without objection.

Mr. FULTON. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 22, after line 4, to insert:

United States post-office at Eugene, Oreg., \$50,000.

Mr. SCOTT. Let that amendment be passed over.

The VICE-PRESIDENT. It will be passed over, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 22, line 8, before the word "thousand," to strike out "seventy-five" and insert "sixty;" so as to make the clause read:

United States post-office at Carlisle, Pa., \$60,000.

The amendment was agreed to.

The next amendment was, on page 22, line 17, before the word "thousand," to strike out "one hundred and two" and insert "ninety;" so as to make the clause read:

United States post-office at Meadville, Pa., \$90,000, in addition to \$8,000 heretofore appropriated.

The amendment was agreed to.

Mr. SCOTT. Mr. President, there is a misprint on page 23, line 2; the word "thirty-five," before the word "thousand," in line 2, should be changed to "fifty."

The VICE-PRESIDENT. The Secretary will state the amendment.

Mr. SCOTT. It is a committee amendment, but this bill was prepared in great haste and the item was omitted.

The VICE-PRESIDENT. It does not appear in the bill as a committee amendment.

Mr. SCOTT. But "thirty-five" should be stricken out and "fifty" inserted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, line 2, before the word "thousand," it is proposed to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

United States post-office at Chester, S. C., \$50,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, line 2, to insert:

United States post-office at Greenwood, S. C., \$75,000.

Mr. SCOTT. I move to amend the committee amendment on page 23, line 4, by striking out "seventy-five" and inserting "sixty."

The VICE-PRESIDENT. The amendment to the amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. In the committee amendment on page 23, line 4, before the word "thousand," it is proposed to strike out "seventy-five" and insert "sixty;" so as to read:

United States post-office at Greenwood, S. C., \$60,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, line 8, to reduce the appropriation for the United States

post-office and other governmental offices at Lead, S. Dak., from \$90,000 to \$75,000.

Mr. KITTREDGE. Let that be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, line 10, to reduce the appropriation for the United States post-office and land office at Mitchell, S. Dak., from \$90,000 to \$75,000.

Mr. KITTREDGE. Let that also be passed over.

The VICE-PRESIDENT. The amendment will be passed over, without objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, line 12, to reduce the appropriation for the United States post-office and land office at Watertown, S. Dak., from \$90,000 to \$75,000.

Mr. KITTREDGE. I will ask that the same course be taken as to the amendment in regard to Watertown.

The VICE-PRESIDENT. The amendment will be passed over, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, after line 18, to insert:

United States post-office at Paris, Tenn., \$40,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to insert:

United States post-office at Greenville, Tex., \$70,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 10, to insert:

United States post-office at Provo, Utah, \$60,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to insert:

United States post-office at Clifton Forge, Va., \$40,000.

The amendment was agreed to.

The next amendment was, on page 24, line 18, to increase the appropriation for the United States post-office at Fredericksburg, Va., from \$30,000 to \$40,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

United States post-office at Fairmont, W. Va., \$75,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 6, to insert:

United States post-office at Rawlins, Wyo., \$80,000.

The amendment was agreed to.

The next amendment was, on page 25, line 10, to increase the appropriation for the United States post-office at Sheridan, Wyo., from \$115,000 to \$150,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 23, to strike out:

United States post-office at Gadsden, Ala., \$10,000.

Mr. CLAY. Mr. President, I want to call the Senator's attention to the item on page 25, line 24, in regard to Gadsden, Ala. I think the Senator will find that we have inserted in this bill an item appropriating \$60,000 for Gadsden, Ala., in another place.

Mr. SCOTT. It goes in in another section.

Mr. CLAY. And consequently this \$10,000—

Mr. MORGAN. The item which has been stricken out provided an appropriation for buying a site; and in another place \$60,000 has been appropriated for a site and building.

Mr. CLAY. Is that correct?

Mr. MORGAN. That is correct.

Mr. SCOTT. It is in another place.

Mr. CULBERSON. The amendment in regard to Gadsden, Ala., to which the Senator from Georgia [Mr. CLAY] calls attention on page 25, provided simply for the purchase of a site. That has been stricken out, and in another and more appropriate part of the bill an appropriation of \$60,000 is made for Gadsden for the purchase of a site and the erection of a building, so that this amendment of the Senate committee is proper, I think.

Mr. CLAY. The Senator from Alabama says that the item of \$60,000 for Gadsden—

Mr. SCOTT. Let the amendment go over. I think the Senator will find it is correct, it being provided for in section 8 on page 15.

Mr. CULBERSON. Page 15, lines 12 and 13.

Mr. WARREN. The \$10,000 item in one place is cut out and \$60,000 is inserted for a site and a building. It is all right.

Mr. SCOTT. It is all right.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 26, after line 4, to insert:

United States post-office at Denver, Colo., \$500,000.

The amendment was agreed to.

The next amendment was, on page 26, line 8, to reduce the appropriation for the United States post-office at Greenwich, Conn., from \$20,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 26, line 10, to increase the appropriation for the purchase of additional ground for the United States post-office at New London, Conn., from \$5,000 to \$6,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 11, to strike out:

United States post-office at Willimantic, Conn., \$12,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 13, to insert:

United States post-office at Smyrna, Del., \$5,000.

Mr. SCOTT. That amendment should be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 26, line 17, to increase the appropriation for United States post-office at Griffin, Ga., from \$5,000 to \$7,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 17, to insert:

United States post-office at Dalton, Ga., \$7,500.

Mr. SCOTT. Let that amendment be disagreed to.

Mr. CLAY. That amendment goes out for the reason that it is included in another item which provides for a site and a building.

Mr. SCOTT. It has been already passed, I will say to the Senator.

Mr. CLAY. Yes.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 26, after line 19, to strike out:

United States post-office at Marietta, Ga., \$5,000.

The amendment was agreed to.

The next amendment was, on page 26, line 23, to increase the appropriation for the United States post-office at Newnan, Ga., from \$5,000 to \$7,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 23, to insert:

United States post-office at Waycross, Ga., \$7,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 3, to insert:

United States post-office at Lewiston, Idaho, \$5,000.

Mr. SCOTT. I move, on behalf of the committee, to amend the amendment by inserting "ten thousand" in place of "five thousand."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 27, line 4, before the word "thousand," it is proposed to amend the committee amendment by striking out "five" and inserting "ten;" so as to read:

United States post-office at Lewiston, Idaho, \$10,000.

The amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 2, to insert:

United States post-office at Decorah, Iowa, \$5,000.

Mr. SCOTT. Let the amendment be passed over.

The VICE-PRESIDENT. It will be passed over in the absence of objection.

The next amendment was, on page 28, line 10, to increase the appropriation for the United States post-office and court-house at Catlettsburg, Ky., from \$7,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 22, to strike out:

United States post-office at Alexandria, Minn., \$7,000.

The amendment was agreed to.

The next amendment was, on page 29, line 6, to increase the appropriation for the United States post-office at Minneapolis, Minn., from \$250,000 to \$350,000.

Mr. SCOTT. I ask that the amendment be passed over for the present.

The VICE-PRESIDENT. Without objection, it will be passed over.

Mr. SCOTT subsequently said: I wish to withdraw the objection to the Minneapolis item, lines 5 and 6, page 29.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 29, line 10, to reduce the appropriation for the United States post-office at Hattiesburg, Miss., from \$15,000 to \$7,500.

The amendment was agreed to.

The next amendment was, on page 29, line 14, to increase the appropriation for the United States post-office at Carrollton, Mo., from \$7,500 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 30, line 1, to reduce the appropriation for the United States post-office at Missoula, Mont., from \$20,000 to \$10,000.

Mr. SCOTT. Let the amendment be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The next amendment was, on page 30, after line 6, to insert:

United States post-office at Keene, N. H., \$15,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to insert:

United States post-office at Concord, N. C., \$10,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 10, to strike out:

United States post-office at Fayetteville, N. C., \$10,000.

The amendment was agreed to.

The next amendment was, on page 31, line 2, to reduce the appropriation for the United States post-office at Middletown, N. Y., from \$20,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 12, to reduce the appropriation for the United States post-office at Bradford, Pa., from \$25,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 17, to reduce the appropriation for the United States post-office at Chambersburg, Pa., from \$25,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 23, to reduce the appropriation for the United States post-office at Greensburg, Pa., from \$25,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 25, to reduce the appropriation for the United States post-office at Pittsburg, Pa., from \$1,000,000 to \$800,000.

Mr. SCOTT. I think the Senator from Pennsylvania wishes the amendment to go over.

The VICE-PRESIDENT. Without objection, it will go over.

The next amendment was, on page 32, line 2, to reduce the appropriation for the United States post-office at Punxsutawney, Pa., from \$25,000 to \$15,000.

Mr. PENROSE. I ask that the item may be passed over.

The VICE-PRESIDENT. In the absence of objection, it will be passed over.

The next amendment was, on page 32, after line 6, to strike out:

United States post-office at York, Pa., \$75,000.

Mr. WARREN. I ask that the amendment may go over.

The VICE-PRESIDENT. In the absence of objection, the amendment will be passed over.

The next amendment was, on page 32, after line 12, to strike out:

United States post-office at Paris, Tenn., \$10,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 14, to strike out:

United States post-office at Greenville, Tex., \$8,000.

The amendment was agreed to.

The next amendment was, on page 32, line 17, after the word "Texas," to strike out "nine" and insert "ten;" so as to read:

United States post-office at Palestine, Tex., \$10,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 18, to insert:

United States post-office at San Marcos, Tex., \$10,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 20, to insert:

United States post-office at Temple, Tex., \$10,000.

The amendment was agreed to.

The next amendment was, on page 32, line 24, to reduce the ap-

propriation for the United States post-office at Bellingham, Wash., from \$25,000 to \$10,000.

Mr. PILES. I ask that the amendment may be passed over.

The VICE-PRESIDENT. In the absence of objection, it will be passed over.

The next amendment was, on page 33, line 2, to reduce the appropriation for the United States post-office and land office at North Yakima, Wash., from \$20,000 to \$10,000.

Mr. PILES. Let this go over, too.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The next amendment was, on page 33, after line 2, to insert: United States post-office at Grafton, W. Va., \$10,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to insert:

United States post-office at Hinton, W. Va., \$10,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 8, to insert:

United States post-office at Beloit, Wis., \$15,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 14, to insert:

United States post-office at Lander, Wyo., \$7,400.

The amendment was agreed to.

The next amendment was, on page 33, after line 16, to strike out:

United States post-office and court-house at Rawlins, Wyo., \$10,000.

The amendment was agreed to.

The next amendment was, on page 35, line 16, before the word "thousand," to strike out "seventy-seven" and insert "fifty;" so as to read:

SEC. 12. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the United States post-office building at Watertown, N. Y., to be taken down and a new building to be erected on the site thereof, at a total cost to the Government, including the removal of the present building and the construction of a new building with fireproof vaults, heating and ventilating apparatus, and approaches, complete, not to exceed \$50,000, etc.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert as a new section the following:

SEC. 13. That the Secretary of the Treasury be, and he is hereby, authorized and directed to begin the work of reconstructing and enlarging the public building at Richmond, Va., on a plan and design that will provide a suitable, commodious, fireproof building for the accommodation of the post-office, United States courts, customs, and other Government offices in said city, with heating apparatus, elevators, and mechanical equipment, demolishing and removing, so far as may be necessary, the present building and the building on the Shafer lot adjacent to the old Government building and now owned by the United States; and the Secretary of the Treasury, for the purpose of beginning the construction of the building aforesaid, is hereby authorized to let contracts for so much of said work as shall not exceed in cost the sum of \$200,000: *Provided, however,* That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, and the building provided for shall not be constructed or planned so as to cost, when completed, including heating apparatus, elevators, mechanical equipment, and approaches, a sum exceeding \$800,000.

The amendment was agreed to.

The next amendment was, on page 36, line 24, to change the number of the section from 13 to 14; and on page 37, line 10, before the word "thousand," to strike out "five hundred" and insert "four hundred and fifty;" so as to make the section read:

SEC. 14. That the Secretary of the Treasury be, and he is hereby, authorized and directed to dispose of the Federal building at Grand Rapids, Mich., now used as a post-office, court-house, and for other governmental purposes, at such a time, in such manner, and upon such terms as he may deem for the best interests of the United States, and cause to be erected upon the site thereof a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use of the United States post-office, courts, and other governmental offices in said city, at a limit of cost for said building of not to exceed \$450,000, and in case of the sale of the old building the limit of cost hereinbefore fixed for said new building is hereby increased by a sum equal to the net proceeds derived from said sale.

Mr. BURROWS. I ask that the amendment may be passed over.

The VICE-PRESIDENT. In the absence of objection, it will be passed over.

The next amendment was, on page 37, line 14, to change the number of the section from 14 to 15.

The amendment was agreed to.

The next amendment was, on page 38, line 7, to change the number of the section from 15 to 16.

The amendment was agreed to.

The next amendment was, on page 39, line 10, to change the number of the section from 16 to 17.

The amendment was agreed to.

The next amendment was, on page 39, line 24, to change the number of the section from 17 to 18.

The amendment was agreed to.

The next amendment was, on page 40, after line 9, to strike out:

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Oklahoma: *Provided*, That \$50,000 heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition, by purchase, condemnation, or otherwise, of a site only at Oklahoma City, Territory of Oklahoma.

Mr. LONG. I ask that the amendment may go over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The next amendment was, on page 41, line 5, before the word "thousand," to strike out "three hundred and fifty" and insert "four hundred;" so as to make the section read:

SEC. 19. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of United States post-office, United States courts, and other governmental offices at Houston, Tex., \$100,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall not be constructed or planned so as to cost complete, including fireproof vaults, heating and ventilating apparatus, and approaches complete, but exclusive of site, exceeding \$400,000.

The amendment was agreed to.

The next amendment was, on page 43, line 8, after the word "Columbia," to insert "the condemnation proceedings to be had under subchapter 1 of chapter 15 of the Code of Law for the District of Columbia;" and in line 16, after the word "reservations," to insert "and a sufficient sum to pay the amount of the damages awarded for and in respect of the said lands to be condemned, and the costs of the condemnation proceedings, is hereby appropriated out of the revenues of the United States;" so as to make the section read:

SEC. 21. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by condemnation, for the purpose of providing reservations for the United States Government, the several parcels of ground in the District of Columbia included in the triangles or parts of triangles herein mentioned, as follows: Part of the triangle situated at the east side of Sixteenth street and north of Columbia road which lies north of a line commencing at the southwest corner of lot 154 and extending east at right angles to Sixteenth street to the west line of Fifteenth street. Also all of the triangle situated at the east side of Sixteenth street at the intersection of that street with Piney Branch road and consisting of part of original lot No. 8, in the subdivision of "Argyle," as recorded in the office of the surveyor of the District of Columbia, the condemnation proceedings to be had under subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided, however*, That the entire amount found to be due and awarded by the jury as damages for and in respect of the land condemned, plus the costs and expenses of the proceedings, shall be assessed by the jury as benefits, and to the extent of such benefits, against those pieces or parcels of land which will be benefited by the condemnation of said triangles for Government reservations; and a sufficient sum to pay the amount of the damages awarded for and in respect of the said lands to be condemned, and the costs of the condemnation proceedings, is hereby appropriated out of the revenues of the United States.

The amendment was agreed to.

The next amendment was, on page 44, line 5, after the words "Secretary of War," to insert "And a sufficient sum to pay the amounts awarded for and in respect of the said lands, together with the costs and expenses of the condemnation proceedings, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated;" so as to make the section read:

SEC. 22. That the Secretary of War be, and he is hereby, authorized and directed to permit the erection of a monument, which shall cost not less than \$5,000, in honor of the heroes of peace, by the volunteer firemen of the United States, under such rules and regulations as he may prescribe, on reservation No. 29, being bounded on the south by Pennsylvania avenue, on the east by Twentieth street west, and on the north by I street north, in the city of Washington, D. C.: *Provided*, That the design for the proposed monument shall be approved by the Secretary of War. And a sufficient sum to pay the amounts awarded for and in respect of the said lands, together with the costs and expenses of the condemnation proceedings, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 45, line 1, after the word "provided," to insert "And a sufficient sum to pay the amounts awarded for and in respect of the said lands, together with the costs and expenses of the condemnation proceedings, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated;" so as to make the section read:

SEC. 23. That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located, where the buildings are reserved by the vendors, at a fair rental value, the net proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress

annually: *Provided*, That each site selected under the provisions of this act shall be bounded upon at least two sides by streets, unless otherwise specifically provided. And a sufficient sum to pay the amounts awarded for and in respect of the said lands, together with the costs and expenses of the condemnation proceedings, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 45, after line 5, to insert as a new section the following:

SEC. 24. That the Secretary of the Treasury is hereby authorized, in his discretion, to acquire by purchase, condemnation, or otherwise, the whole of squares Nos. 226, 227, 228, 229, and 230, in the city of Washington, and the sum of \$3,000,000 to pay for the land so acquired and toward the erection of one or two buildings thereon is hereby appropriated out of any money in the Treasury not otherwise appropriated. That part of C street, Ohio avenue, D street, and E street lying between the squares named herein is hereby made a part of the site authorized by this act. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 13, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, chap. 537.)

That a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, which is hereby created, shall report to Congress preliminary plans and an estimate of cost for one or two buildings to be erected on said site for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, said preliminary plans and estimate of cost to be paid for out of the appropriation herein made.

The amendment was agreed to.

The next amendment was on page 46, after line 10, to insert as a new section the following:

SEC. 25. That a committee consisting of three Senators, named by the President of the Senate, and three Members of the House of Representatives, named by the Speaker of the House, be appointed, whose duty it shall be to investigate the proposed addition to Rock Creek Park, the so-called "Meridian Hill" site for a park, and the so-called "Carpenter" tract for a park, and which said tracts of land are located in the District of Columbia, with a view of purchasing the same, and to report their findings to Congress at the commencement of the second session of the Fifty-ninth Congress.

Mr. SCOTT. I offer what I send to the desk as a substitute for section 25.

The SECRETARY. It is proposed to strike out all of section 25 and insert in lieu thereof the following:

SEC. 25. That a committee of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House, be constituted to take into consideration the advisability of purchasing the proposed addition to Rock Creek Park, the so-called "Meridian Hill" site and the so-called "Carpenter" and "Pennsylvania Avenue Heights" tracts for parks, located in the District of Columbia, and to report their conclusions to the Congress at the commencement of the second session of the Fifty-ninth Congress.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 46, line 21, to change the number of the section from 24 to 26; and in line 26, after the word "sites," to strike out "or additions to sites," so as to read:

SEC. 26. That proposals for the sale of land suitable for all sites provided for in this act, respectively, shall be invited by public advertisement in one of the newspapers of said cities, respectively, of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

The amendment was agreed to.

The next amendment was, on page 47, line 12, to change the number of the section from 25 to 27.

The amendment was agreed to.

The next amendment was, on page 47, line 20, to change the number of the section from 26 to 28.

The amendment was agreed to.

The next amendment was, on page 47, line 22, to change the number of the section from 27 to 29.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SCOTT. I ask that the committee amendment on page 6, lines 5 and 6, may go over with the other amendments.

The VICE-PRESIDENT. It will be passed over in the absence of objection.

Mr. CULLOM. Has the reading of the bill been concluded?

The VICE-PRESIDENT. The formal reading of the bill has been concluded.

Mr. KEAN. Are amendments now in order?

The VICE-PRESIDENT. They are in order.

Mr. KEAN. I offer the amendment I send to the desk.

Mr. SCOTT. Would it not be the proper thing to take up the committee amendments which have been passed over before individual amendments are offered?

The VICE-PRESIDENT. The Secretary will report the first committee amendment passed over.

Mr. CULLOM. All I desired was to inquire of the chairman the course he wished to have pursued.

Mr. SCOTT. I ask that the committee amendments which have been passed over may be taken up.

Mr. CULLOM. Does the Senator propose to have them acted upon now?

Mr. SCOTT. And acted upon.

Mr. CULLOM. All right.

Mr. KEAN. I have an amendment to come in at the end of the bill. I do not think it will take any time.

Mr. CULBERSON. I think we had better have the regular order.

Mr. KEAN. I withdraw the amendment.

Mr. SCOTT. Let the first passed-over committee amendment be stated.

Mr. FULTON. I wish to ask the Senator in charge of the bill a question for information. On page 7, beginning in line 3, there is an appropriation for Salem, Oreg., of \$15,000. It reads:

United States post-office at Salem, Oreg., \$15,000.

Mr. SCOTT. I wish the Senator would wait until we come to the amendment in its regular order.

Mr. FULTON. I wish to be informed whether or not that does not require amendment. The appropriation is for the purpose of improving the grounds and building approaches; and should not that be specified? I simply call the attention of the Senator to it.

The VICE-PRESIDENT. The Secretary will report the first amendment which has been passed over.

Mr. BRANDEGEE. I ask that the committee amendment in line 8, page 26, be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over. The first committee amendment which has been passed over will be stated.

The SECRETARY. On line 23, page 4, strike out "one hundred" and insert "seventy-five;" so as to read:

United States post-office, court-house, and custom-house at Spokane, Wash., \$75,000.

Mr. PILES. Mr. President, I dislike very much to interpose any objection to the report of the committee, and I would not do so were it not for the fact that I have information in reference to the city of Spokane and also the city of Tacoma which the committee may not have had. I may as well say what I have to say about Spokane and Tacoma at the same time, and later on I shall briefly refer to Bellingham and North Yakima.

Mr. President, Spokane is a city of about 75,000 people, situated in the eastern part of the State of Washington. It is the center of a great mining and agricultural country. It is one of the most beautiful as well as one of the most progressive cities in the United States. I take it that no man who has ever visited that city failed to be impressed with its charm as well as with its business aspect and its undoubted future. While that city has to-day a population of some 75,000, those who are familiar with it will not hesitate to say that in the next seven or eight years it will have a population of 150,000.

Mr. President, the committee in the House, after thoroughly investigating this question and having before it the estimates of the Department recommending an addition of \$300,000 for that city, concluded that it could not afford at the present time, notwithstanding that recommendation, to give more than \$100,000, although the committee realized, I take it, that that sum was inadequate. The post-office receipts at Spokane within the last calendar year exceeded \$200,000. It is the seat of the United States district court. There are located there the various officials connected with that court, United States inspectors, deputy collectors, and other Government officials, also the United States land offices. It is safe to say that the business of that community demands a large Government building, and that if the Government shall fail to appropriate the amount inserted in this bill a building totally inadequate to the wants of that community will be constructed.

The Senate itself a few years ago passed a bill carrying \$700,000 for the construction of a building at that city, and while the House no doubt appreciated the necessity for a large building at Spokane, it evidently concluded that it was impossible for one at all suitable to be constructed there for less than \$500,000. If this were a case where we could come back to a subsequent Congress and get an increase it would be an entirely different proposition; but what is done now is final and conclusive.

The same may be said with reference to the city of Tacoma. It is the headquarters of the internal-revenue collection district for the State of Washington and the Territory of Alaska. The United States court is held there, and it is the home of many public officials of the United States. It is one of the greatest

commercial cities on the Pacific coast, and is destined to stand in the fore rank of any. It has a population now of something like 75,000, and will within a few years more than double that population. I think it would be unfair to that city, growing as rapidly as it is, to reduce the appropriation from \$100,000 to \$75,000.

The Department, I understand, has refrained from entering into contracts for the construction of the buildings at Tacoma and Spokane because it considered the sums heretofore appropriated insufficient for a public building in either city.

I do not believe, Mr. President, that Congress can afford to leave that section of the country without buildings sufficiently large to accommodate the demands of the Government business.

Therefore I hope the chairman of this committee, who is familiar with that section of the country, and who, I dare say, can substantiate what I have said with reference to the cities of which I have spoken, and I hope he will see that the amount appropriated by the House be retained in the bill.

I may say, in conclusion upon this proposition, that our delegation got together, and we came to the conclusion that we would not undertake to burden this bill with numerous appropriations for the various towns and cities in our State, but that we would confine ourselves for the present to carrying out the plan for constructing a Government building in the city of Tacoma and one in the city of Spokane sufficient to meet the needs of the people; also the purchase of sites at North Yakima and Bellingham.

When this bill came to the Senate, I conferred, as did my colleague, with our Congressmen in the House as to the advisability of proposing amendments for several other cities in the State. It was concluded on reflection that we would not vex the Senate or the committee with questions of that character; that while we felt that the House had not given us what we were justly entitled to receive, we concluded that we would nevertheless be content with the appropriation there made, feeling that the Senate would without question concur in the action of the House.

Mr. SCOTT. Mr. President, the Senator from Washington has certainly presented his case in the most favorable light. As the Senate will notice, the committee has cut the appropriation at Tacoma and Spokane only \$25,000. In place of \$100,000 the committee report \$75,000.

In the report from the Treasury Department we find that at the Spokane office there have already been appropriated \$100,000 for a site and \$500,000 for a building. We find that \$100,000 for the site and \$500,000 for the building at Tacoma have been appropriated. Knowing that section of the country as I do, I think that the appropriation, with the addition of this \$75,000, is a very liberal and ample one.

I further have to disagree with my good friend the Senator from Washington when he says that this is a mere trifling appropriation. There is a difference of only \$25,000 at either place. The appropriation made by the House is \$100,000, and we cut it to \$75,000.

Now, Mr. President, I call your attention to one of the other points, North Yakima. The population of North Yakima is 3,154, and the postal receipts are only \$21,000. They asked for an appropriation of \$20,000 for a site in that village. Your committee thought that \$10,000 would be ample to buy the very best site possible in the village, and, therefore, we cut that appropriation to \$10,000.

In the other place, if you will notice in the Washington appropriation, there is no population given at all, and we did not know what the site would cost. The postal receipts there are \$38,000, and we gave them \$15,000 for a site.

Mr. President, I think we acted very generously with Washington; much more so than we have done with some other States, and I hope the Senate will stand by the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee in line 22, page 4.

Mr. PILES. I do not understand that the question of North Yakima and Dillingham is before the Senate at present.

Mr. SCOTT. If the Senator will allow me, he referred to both places, and he said at the proper time he would take them up, and I thought what the Senator said warranted me in referring to them now.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee in line 22, page 4. [Putting the question.] The amendment is agreed to.

Mr. PILES. I misunderstood the motion. I understood that the question was on disagreeing to the amendment. I ask that the question be put again.

Mr. SCOTT. Will the President of the Senate kindly announce in voting on these amendments the vote sustaining the

committee and the vote opposite, so that Senators may vote knowingly?

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. WARREN. Mr. President, if the Senator from Washington will allow me, when the Senator was talking and appealing very eloquently and strongly to us for his two magnificent cities I did not understand that he made any motion. I understood him, and I thought he was taking a very wise course, to only advise the committee, and through the committee its conferees, of the importance of the places he talked about—Spokane and Tacoma—and the necessity of enlarging the appropriation, but without asking the Senate to disagree with the committee amendment.

I wish to say just a word to my fellow-Senators and let them judge whether that word or suggestion is a good one or not. Where the House has appropriated an amount larger than the Senate Committee on Public Buildings and Grounds have consented to, and where the Senate limit or cut is substituted, and Senators see that it must go to conference for final adjustment, had not all Senators better strengthen the hands of the conferees and strengthen the situation as between the House and the Senate by first stating their necessities and then allow the matter to pass on to the conferees?

I wish to say, Mr. President, that I have served on every one of the conferences since the omnibus style of public-building bills was inaugurated. The President of this body served as chairman of that committee, and I know he will understand, as others who have served on it do, the many perplexities which surround the conduct of an omnibus bill where every Senator is looking, as he should, after his own particular State, and where the interests are sometimes adverse.

I do not know who will be the conferees upon this bill, but if you take these items up and each man insists on what he wants in each case and ask the whole Senate, as a body, to act separately on each item, there is no necessity of having a conference, and you deprive the conferees of having anything to confer about.

It is perfectly obvious, if we are going to have a conference at all, that the best course for this body to pursue would be to leave the conferees with some strength. So I would suggest, and I can only make the suggestion, of course, that those Senators who feel aggrieved at the action of the committee in cutting down items make their statements and their arguments here, and then relegate the matter to the conference so far as it concerns the Senate cuts made in House amounts.

Of course, if a new amount has been put in by the Senate that is too low and should be raised, or if there is a new item needed, that is on an entirely different basis. But I do believe we will have a much better bill if each Senator leaves the conferees with something in their hands to confer about or agree to with the House.

The VICE-PRESIDENT. The Chair will state the question.

Mr. PILES. Before it is stated I wish to make one remark to the chairman of the committee. His statement is that \$500,000 has been appropriated for a building at Spokane and a similar amount for one at Tacoma. I have a statement here from the Congressman from that district showing that a site has already been purchased at Tacoma and Spokane; that there has been appropriated for the building in each place \$400,000; that the Treasury Department recommended \$300,000 additional for a building in each city.

I do not know just what is the proper procedure in cases of this character. I wish to do whatever is good practice in such matters, and I hope Senators will not reduce the appropriation made by the House.

Mr. CARTER. The suggestion of the Senator from Wyoming [Mr. WARREN] would lead us to pursue a course entirely at variance with the parliamentary usage of this body. It must not be forgotten that an agreement to an amendment unsatisfactory to a majority of the Senate is a misrepresentation of the views of the majority. The mere fact that the committee has made a report does not put the Senate in a position to become merely advisory to that committee.

I understand very clearly the position of the committee. I think it is understood that this bill having been materially increased in some particulars, it has been decreased in other respects, so as to make a nice balance of it all and give the committee something upon which to trade in conference. That is the plain English of the proposition.

Mr. President, the Senate must express its actual views and not the views of the committee upon particular items in the bill. It does seem to me a useless waste of time to place observations in the Record which will not be read by the con-

ferees, and to pass over the Senate's inherent right to cast a vote upon the merits of the pending proposition.

The committee, it is true, performed their service under great difficulties and great pressure. They are entitled to the thanks of the Senate for the industrious and assiduous manner in which they have addressed themselves to the task. Their completed work comes here for the Senate's approval or disapproval. In the main the Senate has indicated approval of the work, but certain reservations have been made as the reading of the bill has progressed.

Now, it is suggested that we merely express our views concerning these reservations, but refrain from recording our judgment in the Record. I, for one, if voting alone, will vote upon the merits of the proposition upon my convictions with reference to it. I do not understand that, by virtue of insisting upon a plain parliamentary right, any reflection whatever is cast upon the committee reporting the bill.

Mr. SCOTT. Will the Senator allow me?

Mr. CARTER. I am glad to hear the Senator.

HOURS OF LABOR OF RAILWAY EMPLOYEES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President—

Mr. SCOTT. I ask that the unfinished business may go over until we are through with the discussion of the public buildings bill.

Mr. LA FOLLETTE. I can not consent to that.

The VICE-PRESIDENT. Objection is made.

Mr. SCOTT. Then I move that the unfinished business be laid aside until the completion of the public buildings bill.

Mr. TILLMAN. Let me suggest to the Senator from West Virginia that perhaps the unfinished business can be disposed of by a vote. It has been debated here for several days, and unless some Senator wants to talk on it the matter can be ended and no further time consumed in its consideration.

Mr. SCOTT. My motion is that the unfinished business be laid aside and the Senate proceed with the consideration of the public buildings bill.

The VICE-PRESIDENT. Until what time?

Mr. SCOTT. Until the public buildings bill is concluded.

Mr. WARREN. Mr. President, I wish to make a parliamentary inquiry. If the Senator from Wisconsin will consent to laying aside the unfinished business without prejudice, it will then remain, I understand, as the unfinished business. If a motion is made and carried to take up the public buildings bill and proceed with it, does it not displace the other bill as the unfinished business?

The VICE-PRESIDENT. The Chair is of the opinion that it does.

Mr. WARREN. I suggest to the Senator from Wisconsin that he would effect what he wants very much quicker and in a better way to consent to set the unfinished business aside under an arrangement than to have it displaced by a motion, if the motion should carry.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. FORAKER. Answering the suggestion of the Senator from South Carolina, I notice in the Record this morning that the Senator from Wisconsin yesterday offered six amendments to his bill. I intended as soon as I reached the Senate this morning to ascertain what those amendments were, but I have not had a minute in which to do it, because of the public-buildings bill being under consideration. The Senator offered six amendments yesterday. I remember that I offered six the day before, and the Senator from New Hampshire [Mr. GALLINGER] offered one or more amendments. I do not know how many amendments there are. I wish we could have a reprint of the bill and amendments. There is at least one other amendment that I want to offer.

Mr. SCOTT. I shall insist upon the consideration of the public-buildings bill.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be laid aside temporarily, that it be taken up after the public-buildings bill is disposed of, and that a vote be taken to-morrow at 4 o'clock upon the pending amendments and the bill.

The VICE-PRESIDENT. The Senator from Wisconsin asks

unanimous consent that the unfinished business be laid aside until after the completion of the consideration of the public-buildings bill, and that a vote be taken upon the unfinished business and pending amendments thereto at 4 o'clock tomorrow.

Mr. CULLOM. The unfinished business is the bill in charge of the Senator from Wisconsin?

The VICE-PRESIDENT. It is the bill in charge of the Senator from Wisconsin. Is there objection?

Mr. HEYBURN. I should not object if the Senator would amend his unanimous consent so as to except the consideration of conference reports.

Mr. KEAN. And appropriation bills.

The VICE-PRESIDENT. The unanimous-consent agreement not to affect the presentation and consideration of conference reports.

Mr. WARREN. And appropriation bills.

Mr. GALLINGER. Mr. President, I object to the request for unanimous consent.

The VICE-PRESIDENT. Objection is made.

Mr. WARREN. Will not the Senator divide the question? He submitted two propositions.

Mr. LA FOLLETTE. I would rather submit another request. I ask unanimous consent that the unfinished business be laid aside temporarily, because I well understand that the bill being a measure only in the interest of public safety it would be displaced by the public-buildings bill.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. FORAKER. I suggest to the Senator from Wisconsin that while we are finishing the appropriation bill there might be a reprint, if he would ask for it, of his bill, showing all the amendments. That would help us very materially.

Mr. LA FOLLETTE. I will do that.

The VICE-PRESIDENT. Is there objection to a reprint of the bill, showing the amendments?

Mr. GALLINGER. I suggested certain amendments yesterday which will be found in the RECORD. I will ask that those amendments be printed as having been proposed by me.

Mr. BEVERIDGE. In view of the night session, I suggest that the printing be done at once, so that the bill with the amendments will be on the desks of Senators immediately.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. WARREN. Mr. President, just a word.

The VICE-PRESIDENT. The Chair will put the question for unanimous consent. Is there objection? The Chair hears none, and it is so ordered. The Senator from Wyoming.

Mr. WARREN. I shall take no exception to the remarks made by the Senator from Montana [Mr. CARTER]. I was only suggesting a way out of confusion and delay, as I thought, because while it is true that only a part of these differences were passed, for the Senate to turn back and pick up again, yet other items not excepted to were equally meritorious, and Senators who did not object as the bill was read will expect to have the same opportunity with their amendments as those who made the exceptions when we went along.

Now, I suggest to the Senator from Montana and other Senators that if you bring any one of these matters up for a vote and test of strength, it would be rather unfair to leave out Senators who said nothing at the time, but were willing to leave the matters to the conference. That is all I have to suggest.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 952. An act to authorize a patent to be issued to Stephen Teichner for certain lands therein described;

S. 1862. An act for the relief of Joshua T. Reynolds;

S. 1864. An act for the relief of James H. Oliver, a commander on the retired list of the United States Navy;

S. 4593. An act for the relief of Francis J. Cleary, a midshipman in the United States Navy; and

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 6167) authorizing the State of New Jersey to improve the channels along the New Jersey coast under State authority, the original having been lost or mislaid.

The message further returned to the Senate, in compliance with its request, the report of the committee of conference on the

disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I wish to submit a report from the committee of conference on the agricultural appropriation bill.

The VICE-PRESIDENT. The Senator from Vermont submits a conference report, which will be read.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 17, 18, 36, 38, 39, 54, 56, 58, 74, 78, 81, 90, 91, 92, 94, 95, 96, 97, 131, 137, and 141.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 11, 14, 15, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 31, 32, 33, 34, 35, 37, 40, 41, 42, 43, 45, 46, 48, 49, 50, 51, 53, 55, 57, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 72, 73, 75, 76, 77, 79, 80, 82, 88, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 129, 132, 133, 134, 136, 138, 139, 140, 142, 143, 144, 148, 149, 151, 154, and 155, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the amount proposed in said amendment insert "\$89,760;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the amount proposed in said amendment insert "\$23,440;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the amount proposed in said amendment insert "\$113,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$163,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$495,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 51, after the word "grades," in line 6, strike out the remainder of the amendment and insert "and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$919,740;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In line 17, after the word "advisable," insert the following: "Provided, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food or as to false labeling or branding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out and insert, after the word "necessary," in line 4, the following: "to ascertain the purity of food products and determine what

are regarded as adulterations therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$221,460;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 19 strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$2,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$19,610;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$94,610;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$803,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$803,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$974,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$57,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$82,500;" and in line 25, on page 90, strike out the words "sixty-five thousand" and in lieu of the same insert the words "eighty-two thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following: "The Secretary of Agriculture may authorize the Forester to expend from the funds herein appropriated for 'General expenses, Forest Service,' a sum not to exceed two thousand five hundred dollars in the construction of a permanent station building on the Dismal River Forest Reserve, Nebraska;" and the Senate agree to the same.

On amendments numbered 24, 29, 30, 147, and 153 the committee of conference have been unable to agree.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
F. M. SIMMONS,

Managers on the part of the Senate.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,

Managers on the part of the House.

Mr. PROCTOR. Mr. President, I think I can in a very few minutes explain the points that Senators will be glad to know about in the report.

Taking up the items in order from which the Senate con-

ferees receded, Nos. 7, 8, 10, 36, and 38 were merely slight increases that we made in mechanics, and we found that the House had also increased them. We did not think two increases on the same bill advisable.

We receded from Nos. 17 and 18, "For the purchase of scientific and other publications" for the Weather Bureau, because we thought those should be purchased by the Library.

We receded from No. 54, an increase of \$5,000 for experiments in the cultivation of matting grass, because it was not in the proper place, and we added it to No. 47, for the general expenses of the Bureau of Plant Industry. The \$25,000 asked for by the fruit interests of California was also added to that appropriation, making a total of \$495,000, the whole amount that the Senate asked for.

The Senate conferees receded from No. 74, the amendment offered by the senior Senator from New Hampshire [Mr. GALLINGER] in regard to undrawn poultry.

We also recede from No. 78, the amendment offered by the Senator from Idaho [Mr. DUBOIS] in regard to experiments in the cultivation of plants in the irrigated districts, because we deemed that it was covered by other provisions.

The Senate recedes from No. 90, the addition of one clerk in the Bureau of Biological Survey, and also from the addition of \$5,000 to the general appropriation for that Bureau.

The Senate recedes from No. 96, an increase of \$200 in the salary of the cashier in the Division of Accounts.

It also recedes from No. 137, an increase of \$500 in the salary of the Director of the Office of Public Roads, because that officer had only been there a short time. He is a very competent man, but we thought that perhaps it is too early to make an increase.

The items to which the House agrees with an amendment are as follows:

No. 47 I have already stated.

No. 52 the House agrees to with an amendment striking out, after the word "grades," the rest of the paragraph, and inserting as follows: "and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce."

The House also agrees to amendment No. 68, with an amendment adding a proviso which had been in previous laws and was inadvertently omitted.

The Senate recedes from its amendment No. 69, and agrees to it with an amendment as follows:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein.

This is a provision which has been in previous laws for a number of years.

Amendment No. 84 is a compromise between "one clerk," as the House had it, and "three clerks," as the Senate amended it, making it "two clerks."

No. 87 (Bureau of Entomology), the House made the general appropriation \$68,000 and the Senate \$80,000. It was compromised to \$75,000.

In No. 126 the Senate yielded \$8,620 in the appropriation for experiment stations. In the item for public roads the House gave \$60,000, the Senate \$80,000, and the conference report makes it \$70,000.

As to amendment No. 152, "For the extension of forest planting," the planting part was omitted, but the provision for building a permanent station on the Dismal River Forest Reserve, Nebr., \$2,500, was retained, and the balance was yielded by the Senate, as it is sufficiently provided for under the general forestry appropriation.

In regard to amendment No. 150, the committee of conference was confronted by a peculiar situation and departed from the ordinary and proper province of a conference committee. That was the appropriation of \$65,000 in regard to the gipsy and brown-tail moths, which was increased by the Senate to \$100,000. The conferees on the part of the House claimed that there was an understanding in their committee, or in the House, that it should stand the same as the appropriation in the clause following on page 90, for eradicating the ticks transmitting southern cattle fever. Your conferees claimed that they were not parties to any such understanding, that they had never heard of it, and could not consider it; that the appropriation must stand on its own merits, and that it was very important that the whole amount should be given. Though the Senate were not in any wise a party to that understanding, we thought it would avoid friction and promote harmony if they were continued the same. The conference committee, therefore, recommends that the increase of \$35,000 made by the Senate to the gipsy-moth item be divided; that it stand at \$82,500; and that one-half be added to the appropriation for eradicating

the cattle tick, leaving both appropriations at \$82,500. We submit this, stating its irregularity, but recommending that the action of the conferees be approved by the Senate. It is not a very important matter.

I should like to say that the conferees have agreed to the amendment of the Senate in regard to the examination of food products, and I call the attention of the Senator from Wisconsin [Mr. SPOONER] to this. The pure-food bill has been recently before the House of Representatives, and the House conferees insisted that there was nothing in the provision that was in conflict with the pure-food bill. I also called up the Secretary of Agriculture and the solicitor of that Department. The Secretary said that some days ago he had submitted this matter to the solicitor, who said there would be no conflict, and no harm could arise from retaining the provision of the Senate, and the House conferees therefore receded.

This leaves, Mr. President, nothing disagreed to except amendment No. 29, in regard to cattle inspection, and four amendments that are contingent upon that.

I move that the report of the committee of conference be agreed to.

The motion was agreed to.

Mr. PROCTOR. I now move that the Senate still further insist upon its amendments disagreed to by the House of Representatives, and ask for a further conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and Mr. PROCTOR, Mr. HANSBROUGH, and Mr. SIMMONS were appointed as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 369. An act to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy;

S. 1211. An act to correct the military record of John Alspaugh;

S. 4197. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;

S. 6004. An act to provide an American register for the steam yacht *Waturus*;

S. 6463. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson; and

S. 6365. An act granting a pension to Edward S. Bragg.

The message also announced that the House had passed the bill (S. 1725) granting certain lands to the Missionary Baptist Church, of Rock Sink, Fla., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House relative to the appointment of a joint special committee to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States.

CODE PREPARED BY THE STATUTORY REVISION COMMISSION.

The VICE-PRESIDENT. The Chair appoints the Senator from Oregon [Mr. FULTON], the Senator from Minnesota [Mr. CLAPP], the Senator from Utah [Mr. SUTHERLAND], the Senator from Virginia [Mr. MARTIN], and the Senator from North Carolina [Mr. OVERMAN] as the members of the joint committee on the part of the Senate under the concurrent resolution of the House of Representatives to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States.

CHANNELS ON NEW JERSEY COAST.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. KEAN. Will the Senator from West Virginia yield to me for a moment?

Mr. SCOTT. I yield to the Senator from New Jersey.

Mr. KEAN. I ask that there may be laid before the Senate a resolution from the House of Representatives.

Mr. SCOTT. I yield to the Senator.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. The Senator from South Carolina

first rose, and the Chair asked the Senator from West Virginia if he would yield to the Senator from South Carolina.

Mr. TILLMAN. I understood I had the floor in my own right.

Mr. SCOTT. Does the Senator desire to address the Senate for some length of time?

Mr. TILLMAN. Yes; I desire to address the Senate.

Mr. KEAN. I will say to the Senator from South Carolina that I wish merely to secure concurrence in a resolution from the House of Representatives requesting that there be sent to the House a copy of a Senate bill which has been lost or mislaid.

The VICE-PRESIDENT. The Chair will recognize the Senator from New Jersey [Mr. KEAN] and then the Senator from South Carolina [Mr. TILLMAN].

Mr. KEAN. Will the Chair kindly lay before the Senate the resolution from the House of Representatives to which I have referred?

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives; which, on motion of Mr. KEAN, was considered by unanimous consent, and agreed to:

Resolved, That the Senate be requested to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 6167) authorizing the State of New Jersey to improve the channels along the New Jersey coast, under State authority, the original having been lost or mislaid.

PURE-FOOD BILL.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. SCOTT. Mr. President, I was not aware of the fact that the Senator from South Carolina desired to make a speech. I thought he wanted to submit a report from a conference committee, or I should have asked him to allow the pending public buildings bill to be proceeded with until we have disposed of the amendments.

Mr. TILLMAN. I may just as well speak to one of these amendments as to any other thing around here, feeling that there will be enough to consume the balance of to-day and possibly to-morrow. I have been waiting for several days. I was too ill to speak yesterday or the day before, and I want to speak now.

Mr. SCOTT. I will yield to the Senator from South Carolina if he will yield to the Senator from Idaho [Mr. HEYBURN] to make a conference report.

Mr. TILLMAN. Certainly; I will do that with pleasure.

Mr. HEYBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 88), entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment.

Strike out all of said amendment and insert in lieu thereof the following:

"That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court."

"SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or

misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

"Sec. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

"Sec. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"Sec. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"Sec. 6. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

"Sec. 7. That for the purposes of this act an article shall be deemed to be adulterated:

"In case of drugs:

"First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength,

quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

"Second. If its strength or purity fall below the professed standard or quality under which it is sold.

"In the case of confectionery:

"If it contains terra alba barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

"In the case of food:

"First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

"Second. If any substance has been substituted wholly or in part for the article.

"Third. If any valuable constituent of the article has been wholly or in part abstracted.

"Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

"Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

"Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"Sec. 8. That the term 'misbranded,' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purpose of this act an article shall also be deemed to be misbranded:

"In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"In the case of food:

"First. If it be an imitation of or offered for sale under the distinctive name of another article.

"Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

"Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

"Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if

the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

"Sec. 8. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term 'blend' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

"Sec. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

"Sec. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

"Sec. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cart-

age, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"Sec. 12. That the term 'Territory' as used in this act shall include the insular possessions of the United States. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"Sec. 13. That this act be in force and effect from and after the first day of January, nineteen hundred and seven."

That the House recede from its amendment to the title and agree to the title as passed in the Senate.

W. B. HEYBURN,
P. J. McCUMBER,
A. C. LATIMER,

Managers on the part of the Senate.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,

Managers on the part of the House.

Mr. HEYBURN. Mr. President, I would say that the conference report was withdrawn this morning merely for the purpose of transposing and correcting certain language in it that was found to be duplicated in two sections. It is now in correct form. I ask that the Senate agree to the report.

Mr. BAILEY. Mr. President, I did not understand the motion or request of the Senator from Idaho.

Mr. HEYBURN. It was that the Senate agree to the report of the committee of conference.

Mr. BAILEY. And that passes the bill?

Mr. HEYBURN. Yes.

Mr. BAILEY. Mr. President, that bill has not been printed yet, I understand, as it has been agreed upon by the conference committee.

Mr. HEYBURN. It has been printed, I will say to the Senator, with the exception that it was found upon examination this morning that a certain provision had been duplicated in section 2, which was in section 1. We merely cut it out of the section where it was duplicated. The bill is already printed.

Mr. BAILEY. I tried to get a copy of that bill yesterday.

Mr. HEYBURN. It has been printed and placed on the desks of Senators this morning.

Mr. BAILEY. I will ask the Senator to let the conference report lie over.

Mr. HEYBURN. Let it lie over for the present?

Mr. BAILEY. Yes. I would like to have an opportunity to look at it.

Mr. HEYBURN. Very well. I will call it up later.

IMMUNITY OF WITNESSES.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, and an act entitled "An act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendment.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,

Managers on the part of the Senate.

JOHN J. JENKINS,
DAVID A. DE ARMOND,

Managers on the part of the House.

The report was agreed to.

UNITED STATES COURTS IN CHINA.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendments: Insert at the end of section 2 as follows:

"The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedents in China. Withing sixty days after the death in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall, as additional effects come from time to time into his possession, immediately file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule, under oath, of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise, within ten days after any such sale, report the fact of such sale to said court and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and doings relating to the estate of any such deceased person. The said court shall have power to require, where it may be necessary, a special bond for the faithful performance of his duty, to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come, in such amount and with such sureties as may be deemed necessary; and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect of any such estate under the provisions hereof."

And the Senate agree to the same.

In section 5, line 4, strike out the words "section four thousand and eighty-six of;" and the Senate agree to the same.

JOHN C. SPOONER,
JOHN KEAN,
A. O. BACON,

Managers on the part of the Senate.

J. B. PERKINS,
EDWIN DENBY,
WM. M. HOWARD,

Managers on the part of the House.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. PERKINS. I ask the Senator from South Carolina to yield to me for a moment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Carolina yield to the Senator from California?

Mr. TILLMAN. Certainly.

Mr. PERKINS. Mr. President, at the request of the Senate, the House of Representatives has returned the conference report on the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes. I ask that the report may be temporarily withdrawn from the Senate and recommitteed to the committee of conference.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and that order is made.

PUBLIC BUILDINGS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for

public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. TILLMAN. Mr. President—

Mr. SCOTT. Will the Senator from South Carolina yield to me for one moment?

Mr. TILLMAN. With pleasure.

Mr. SCOTT. I want to call the attention of the Senate, and especially the attention of the Senator from South Carolina—for he has been engaged on conference committees for the last two weeks—to the fact that this public buildings bill, after we are through with it here, will have to be reprinted and go to conference, as a matter of course. I understand we are trying to wind up this session by Saturday next. If that is the case, I want to call the attention of the Senate to the fact that if this bill fails, it will not be my fault.

Mr. TILLMAN. Mr. President, I feel like apologizing to the Senate for going counter to the current of feeling and desire here. I have never obstructed public business that I am aware of, certainly not intentionally, and I do not intend to obstruct it this evening. I am sorry to have to speak on the subject which I will discuss at this time and in this way, but it is very evident, under the pressure which is in this Chamber and in the Capitol, hurrying and rushing, trying to get through with the matters that have been mapped out by the leaders or bosses, that if I do not break in and speak anyway, the opportunity, in an orderly manner and under the regular course of procedure, will never come.

I do not intend to discuss this bill at all in any of its features or phases. I have had nothing to do with it in any shape, form, or fashion, and I have not been near the committee to ask any favors in regard to public buildings. My State is fairly well treated through the work of my colleagues in the other end of the Capitol and of my colleague at this end. I have had other things to do. But it is probably as appropriate for me to discuss the question which I shall discuss on the public-building bill as it would be in any other way or at any other time, because the occurrence which is the cause of my speaking took place in a public building and in the public grounds of the United States.

My efforts to have the facts brought out with regard to that occurrence have been pushed aside or turned down by the majority in this Chamber. While I have no complaint to make, I still feel the obligation of duty to present some of the facts that are now allowed to come to light that the public has never yet had an opportunity to know.

Mr. FLINT. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from California?

Mr. FLINT. I want to ask the Senator if he would yield to me for a moment for the consideration of a House bill?

Mr. TILLMAN. If I yield to one Senator I will have to yield to twenty Senators. There are Senators all around me desiring to do something. We are all under whip and spur. I am under whip and spur myself, because I want to get away from here. I think if I stay in this city forty-eight hours longer I will be sick abed. I want to go home, and I will quit whether this Congress quits or not.

It will be recalled, Mr. President, that on the 17th of January last I made a speech in this Chamber in which I discussed the transactions under the orders of the President in Santo Domingo, and in criticising the acts of the President, among other things, I brought up as a matter that appeared to me of very serious moment, the expulsion from the Executive Offices of an elderly lady, a woman turned 50, under such brutal and cruel circumstances and with, as I thought, such uncalled-for exercise of authority that I went very far, perhaps, in criticising the present incumbent of the White House.

In that speech matters were brought up by a Senator that need not have been injected. I was charged with gratifying my personal hatred and with dealing with a delicate question in an undignified way. Taunted with speaking from hearsay and not being able to prove what I asserted, I asked for a committee of inquiry. The next morning, when the resolution which I offered came up, the Senate, as was its right, and probably as it was its duty under the circumstances, voted down and laid on the table the resolution of inquiry. I did not feel aggrieved. I realized that there was a difference of opinion, perhaps, against my view of it as to the propriety of the Senate taking cognizance of and investigating by a committee acts done in the White House, or in one of the offices of the White House, though the most brutal part had taken place out of doors in the public ground; but the Senate refused to order an investigation.

Things went on. I had wiped my hands of the occurrence. I had been criticised severely and held up to scorn by certain

men and certain newspapers for having presumed to express my honest feeling in regard to what had occurred, but I went on my way, as I have always done since I came here, without parade or bravado or endeavoring to advertise myself, if I may use the phrase; and I never would have broached the subject again or taken any action concerning it but for the fact that in April—I think it was about the 1st of April, the name of the man who must be held responsible until the facts are brought out and some one else shown to be responsible, if that ever occurs—the name of this man was sent to the Senate to fill one of the most important and lucrative offices in the gift of the Executive. His nomination to the position of postmaster of Washington was thrown in the teeth, at least of myself, certainly of the Senate, though the Senate has not shown its teeth in connection with it. Then the question arose as to whether this man was qualified or fitted by training and character to hold this high office. When this nomination was sent in I went to the chairman of the Committee on Post-Offices and Post-Roads and requested that a subcommittee of that committee be appointed to consider and report on the nomination. Having been asked to state in writing what my objections were, I prepared and sent to the chairman of the subcommittee a letter, which I ask to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

No. 1. UNITED STATES SENATE,
Washington, D. C., April 13, 1906.

HON. THOMAS H. CARTER,
Chairman of Subcommittee on Post-Offices and
Post-Roads, United States Senate.

SIR: I hereby notify you that I desire to protest against the confirmation of Benjamin F. Barnes as postmaster for the city of Washington, and ask permission to appear before the committee with witnesses, whose names are hereto annexed, to prove the following charges, showing Mr. Barnes's unfitness for the office:

1. That Mr. Barnes is lacking in gentlemanly and manly consideration for ladies, which caused him to abuse his authority so far as to order the expulsion from the Executive Offices of Mrs. Minor Morris on January 4, 1906, without any justification or good reason therefor.
2. That having issued the order he stood by and saw it executed in a most brutal and outrageous manner without interference, compelling the policemen to drag and finally, with the aid of a negro employed at the White House, to carry her, with the negro holding her by the ankles and with her limbs exposed, the entire distance from the Executive Offices, at the western end of the White House, to the eastern exit, where she was thrust into a cab and sent to the house of detention, by which brutal treatment her life was endangered and health seriously impaired from shock and injuries received.
3. That after this tyrannical and outrageous abuse of his authority he lodged charges of insanity against Mrs. Morris and compelled her to remain in prison for more than four hours, thus adding insult to injury and producing in the public mind impressions derogatory to both her reputation and her mental condition.
4. That he made a statement to the press which was full of falsehoods and which proves him to be lacking in that integrity and high character which a high Government official should have.

The following are the witnesses I would like to have examined:

- (1) Mr. Walter E. Clark, 1417 G street, Washington, D. C.
- (2) Mr. Robert H. Hazard, 501 Fourteenth street, Washington, D. C.
- (3) Mr. I. C. Norwood, the Star office, Washington, D. C.
- (4) Mr. James H. Price, the Times office, Washington, D. C.
- (5) Mr. Henry C. Biggs, New York World office, Washington, D. C.
- (6) Mr. Elmer E. Payne, Associated Press, Washington, D. C.
- (7) Mr. Jules Guthridge, 1713 Riggs place, Washington, D. C.

Very respectfully, yours,

B. R. TILLMAN.

Mr. TILLMAN. Mr. President, I presented the statement of facts I felt able to prove; the subcommittee met, considered the charges which I had presented, and talked over the situation. They were informed that it was my desire to have the matter over with as soon as possible, and in the secrecy of the executive session, and that I had no purpose or desire to reopen in public or to bring to the attention of the country this unfortunate transaction; that I wanted the facts brought out and let the Senate, having possession of the facts, determine once for all whether to confirm this man; that a vote might be had at any time, and I would not obstruct. The subcommittee agreed—at least I understood them to agree—that they would grant the investigation, but that in order to go about it in the lawful way and have power to send for persons and papers it would be necessary to have a resolution passed by the Senate giving such authority.

The chairman of the committee, the Senator from Pennsylvania [Mr. PENROSE], was away. It was two or three days before he returned, and when he returned from Pennsylvania I was informed that an investigation would not be had; that the resolution empowering the committee to send for persons and papers would not be offered, and that there would be no chance for me to prove the facts which I have asserted in the Senate, first in January, as to what took place, and, secondly, the charges that I had made to the committee in writing, which have just been read.

When the matter was brought up in executive session, which was shortly afterward, arguments were made pro and con, reasons were given for and against an investigation, and the matter was never determined finally until a few days ago, when the Senate, by a vote of all the Republican Senators but two, voted against having an investigation.

Having been informed that the defense of Mr. Barnes would be along the line of contention that his ordering Mrs. Morris arrested and expelled from the Executive Office might have been an error of judgment, might have been excusable somewhat, and that therefore the investigation, if one were had, should be of the action of the police outside of the Executive Office. I had prepared and offered in the open Senate, on May 1, the resolution which I send to the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

Mr. TILLMAN. Most Senators have read it. I do not object to having it go into the RECORD without being read, because I do not care to consume any more time than I am compelled to.

The PRESIDING OFFICER. It will be printed in the RECORD without being read.

The resolution referred to is as follows:

Resolved, That the Committee on Public Buildings and Grounds be directed to investigate the circumstances of the arrest in the city of Washington, January 4, 1906, by the Metropolitan police, of Mrs. Minor Morris, and her carriage, attended by indignity and cruelty, through the grounds and basement of one of the public buildings and thence, after being thrown violently into a cab, to the House of Detention, and her incarceration for four hours on a charge of disorderly conduct, and later of insanity.

And also to investigate the manner and result of an inquiry made by Maj. Richard Sylvester, superintendent of Metropolitan police, into the facts of the case; and to inquire whether said investigation was fair and unprejudiced and all the impartial and available witnesses examined.

Whether said superintendent undertook to make an investigation by the use of detectives and secret-service men concerning the previous life and reputation of Mrs. Morris.

Whether he procured and made use of a statement of one H. B. Weaver, doctor of medicine, who falsely pretended that Mrs. Morris had been a patient of his in Asheville, N. C., two years ago.

Whether there is any police regulation in the city of Washington which requires that any person arrested shall not be released until taken to police headquarters and there detained until a police inquiry is instituted and ended.

And especially to inquire whether the said superintendent of police, and one of the chief witnesses against Mrs. Morris, have since received recognition by the appointment of near relatives to office; and whether any laws should be adopted by Congress for the better regulation and improvement of the police force of the city of Washington.

Mr. TILLMAN. If it had passed the Senate and an investigation had been ordered, it would have been a searching one and would have gone into the various matters which I shall discuss as I go along.

It seems to me nothing but just and right that the defense or explanation of Mr. Barnes should now be read, in order that those who have never seen it, because it has only recently been released from the secrecy of executive session, may hear for themselves his explanation and defense.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

No. 3. THE WHITE HOUSE,
Washington, April 20, 1906.

MY DEAR SENATOR CARTER: Replying to your note of the 20th instant in connection with the proposed inquiry by the subcommittee of the Senate Committee on Post-Offices and Post-Roads into the matter of my nomination to be postmaster of Washington:

(1) I was born at Yarmouth, Nova Scotia, December 3, 1868. My father was born in the State of New York, my mother in the State of Maine. Their ancestors, back to a time preceding the Revolution, were natives of either New York or Massachusetts. My father was temporarily engaged in business in Nova Scotia at the time of my birth, and my parents remained there until I was about 7 years old, when they returned to the United States, going to New Jersey, where my father lived until the time of his death, in 1891. My parents never at any time relinquished their American citizenship nor took the slightest step in that direction.

(2) My present legal residence is in the State of New Jersey, and that has been my legal residence ever since I was old enough to vote. I desire to add that I have had no other ties in New Jersey since 1892, when the surviving members of my family removed to Washington, where they now reside.

(3) Mrs. Minor Morris called at the Executive Office on January 4, 1906, at about 1 o'clock and asked to be allowed to see the President. At the time, Secretary Loeb was engaged with the President, and I saw her. Upon inquiry as to the nature of her business she stated with considerable reluctance that her husband had been unjustly dismissed from a branch of the War Department; that she did not propose to have anything to do with the Secretary of War concerning it, but that she wanted the President to take it up and see that justice was done. She was informed that the President could not give personal attention to such a matter and that the decision of the Secretary of War would be final. She insisted that she must see the President, and when told that that was out of the question she asserted in boisterous manner that she would not be prevented from seeing him and that she would remain where she was for a month, if need be, unless she saw him sooner. She was allowed to remain for some moments. When I returned to the reception room shortly after, I found her pacing excitedly up and down the room, and informed her

as quietly as possible that she could not see the President and that it would be useless for her to remain longer. She replied in a loud voice that she would see him and that she would stay there until she did. She was then advised to drop the matter and to go away quietly. This, in still louder tones, she refused to do.

She was then told that she must either leave the office at once voluntarily or it would be necessary to have her put out of the building. At this she shrieked at the top of her voice, "I will not be put out," rushed to a chair, threw herself into it, and shouted, "Don't you have any hands laid on me; I am going to stay here until I see the President." Mrs. Morris's piercing shrieks were heard throughout the building, and it became necessary in the interest of order to have her removed. She was accordingly taken in charge by a police officer who had witnessed the whole affair. He asked her to go with him quietly. She refused, and told him that if she was removed she would have to be dragged every step of the way. Before applying force the officer asked her three times to leave the office quietly. She shrieked her refusal to each request, and was then led from the room. She struggled violently with two officers (all the way from the office building to the eastern entrance of the White House). As soon as she was outside of the office building she threw herself on the ground, and it became necessary to carry her.

The above facts, with the exception of the part in parentheses, came under my personal observation. They were made public by the Executive Office in my name on the next morning, together with the following statements, based on the first reports of the police officers who took part in the affair:

"The officers repeatedly asked her to stand up and walk quietly with them so that they would not have to use force, but she refused to do so and defied them in shrieks that were heard throughout the White House. She was finally removed to police headquarters, where she was charged with disorderly conduct. After her arrest she produced an envelope addressed to the President, which she asked to have delivered to him. This envelope was found to contain a lengthy poem on the subject of insomnia, which she said was her own composition. She stated to the officers that she had not slept for seven nights past. There is no truth whatever in the statement made by many of the papers that a negro laid hold of Mrs. Morris and assisted in carrying her. One of the colored messengers of the office followed the policemen and gathered up such small articles as were dropped in the woman's struggles; but there was no other foundation whatever for the statement."

It will be noticed that the last two sentences are somewhat at variance with statements made later by Officers Frech and Murphy to Major Sylvester and recently submitted to your committee through Senator Burrows. These officers explained to me afterwards that their attention had been so fully occupied by Mrs. Morris herself at the time that they had had little if any opportunity for accurate observation of any other features of the matter.

(4) In causing Mrs. Morris's removal from the Executive Office I acted under general instructions. I know you will appreciate the difficulty of stating specifically the substance of the instructions and by whom issued when I say that the reception and disposition of callers has been a part of my duties for four or five years, and that during that time cases of eccentricity, dementia, and insanity of various degrees had been encountered by me almost every day among the callers at the Executive Office. My general instructions were necessarily made up from innumerable experiences and countless directions given from time to time by the two Secretaries to the President under whom I have served in such capacity.

Very truly, yours,

Hon. THOMAS H. CARTER,
Committee on Post-Offices and Post-Roads,
United States Senate.

B. F. BARNES.

Mr. TILLMAN. I will comment later on some of the language which Mr. Barnes uses. At the present time I want to put in the RECORD, because I desire to be entirely fair and not garble this testimony or use special pleading in dealing with it—and I doubt whether anybody else will ever take the trouble to present it to the Senate or to discuss it—the voluntary statement of Elmer E. Paine, made to the President, without dating it, shortly after the occurrence, I suppose, in the form of "a memorandum." I will state that Mr. Paine is one of the witnesses whom I asked to have summoned. He was one of the six newspaper men who were in and around the Executive Offices when the Morris incident took place, and one of the remarkable things about it is that he is the only one who ever had anything to say about it outside of his own newspaper or in private conversation, because while an investigation, or a pretense of an investigation, was ordered by the superintendent and chief of police at the command of the President, this newspaper man, one among six, was the only one who was permitted to give any statement or was asked to give any statement.

Before sending Mr. Paine's memorandum up, I wish to call attention to some things that are in it. I will not have it read, but will ask to have it printed. I presume some of the newspapers will probably print this whole record. The Evening Star, of this city, for instance, has been very earnest and zealous in trying to see justice done in this case, and therefore the citizens of Washington will probably have the opportunity to read in that paper everything in the shape of new testimony, at least that I shall present. But in order not to consume too much time—and there is so much of this material that it will take a long time—I wish to call attention to some things in Mr. Paine's statement. Speaking of Mrs. Morris and her action before she was arrested or just after she was arrested, he said:

Finally, however, she dropped to the pavement, in a sitting posture.

Then he goes on to say:

Seemingly, they—

The policemen—

did their best to protect her clothing from the mud and water, but, in the circumstances, that was not entirely possible.

Further on he volunteers the opinion, which was an act of temerity on his part, I presume:

My opinion is that she ought to have been released when the officers got her outside of the entrance to the offices, but I understand that the police regulations provide for the action of officers in such cases, and had they released her they would have laid themselves liable to a suit for assault, once having placed their hands upon her.

At the close he says:

Mr. Barnes did all that he could have been expected to do to avert a scene. He treated Mrs. Morris in a quiet and dignified manner, time and again urging her not to make any trouble. He might have permitted her to retain her seat in the Executive Office reception room, but, in my judgment, his action in that regard was purely a matter of opinion. He thought Mrs. Morris was insane, as I have learned since, and her action and manner, it is only just to say, probably warranted such an assumption on his part.

After reading those little extracts, I simply ask that the letter be inserted in its proper place in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter is as follows:

[Memorandum for the President.]

UNITED STATES SENATE,
Washington, D. C.

Re the incident of Mrs. Minor Morris.

About 1 o'clock on the afternoon of Thursday, January 4, 1906, a distressing scene was enacted in and near the Executive Offices of the White House. A woman of mature years—a lady in appearance—was ejected forcibly from the offices and subsequently was taken to the house of detention. Investigation afterwards disclosed certain facts concerning her.

She was Mrs. Minor Morris, a woman 50 years of age, and the wife of Dr. Minor Morris, who, some time ago, was separated from his employment by the Government. He had been connected with the Army Medical Museum, and his services had been dispensed with for reasons of which I have no knowledge.

Mrs. Morris, who was gowned handsomely and was a woman of impressive appearance, entered the Executive Offices of the White House just about 1 o'clock p. m. It happened that I was conversing with a friend in the reception room of the Executive building at the moment of her entrance. Being a woman of somewhat striking appearance, Mrs. Morris drew the attention of the gentleman with whom I was talking, and he asked me if I knew who she was.

Then for the first time I noted her particularly. She had asked to see Secretary Loeb, and, when directed to Mr. Loeb's doorkeeper, had given him her card with a request for a brief interview. The doorkeeper took the card into Secretary Loeb's office. A few minutes later he returned to the reception room and communicated some response to her. She turned from the doorkeeper and began restlessly to pace up and down the reception room. She appeared to me to be laboring under some suppressed excitement, but, at the moment, although I was sitting so that I looked in her general direction, I paid little heed to her. I attributed her evident nervousness, without thinking very much about it, to the feeling many people have who come to the White House for the first time.

In a few minutes Mr. Barnes, Secretary Loeb's first assistant, came out of Mr. Loeb's office and asked the doorkeeper for Mrs. Morris. I paid very little attention to the conversation—none at all, in fact—as it happens several times every day that Mr. Barnes is requested by Secretary Loeb to see callers whom he can not see by reason of pressure of business.

My recollection is that after Mr. Barnes had talked briefly to Mrs. Morris he returned to Secretary Loeb's office, and that, meantime, Mrs. Morris continued to pace nervously up and down the reception room.

At any rate, Mr. Barnes resumed his conversation with Mrs. Morris in a brief time. Both he and she were very earnest in their talk. Evidently in response to a request that she be accorded an interview with the President, Mr. Barnes—I happened to overhear—Informed her that she could not see the President on that matter; that he had nothing to do with it, as it related to a departmental question, about which she would have to see the Secretary—what Secretary I did not know at that moment.

Mrs. Morris's response instantly attracted my attention to her particularly. She declared in a loud tone—almost, if not quite, loud enough to be heard in the office of the President—that she had come to the White House to see the President and proposed to see him, even if she had to camp out there a month. Her tone of voice and manner drew the attention of the three or four people in the reception room. Mrs. Morris and Mr. Barnes were standing at the time near the table in the center of the room, on the side nearest to the fireplace. Officer Frech, one of the doorkeepers, evidently noting the manner of Mrs. Morris, moved from the door to a point near the table.

Realizing that a scene probably was impending, I paid close heed to that which followed. Although I was within 12 or 15 feet of Mrs. Morris and Mr. Barnes, I could not distinguish all that he said. He spoke with evident firmness, but in a low tone of voice. I did hear him say, however, that such an interview as Mrs. Morris desired with the President was not possible of arrangement. He reminded her, too, that she was making a scene and begged her not to pursue the matter further. Following a further insistence by Mrs. Morris that she be permitted to talk to the President, Mr. Barnes requested her to leave the offices, assuring her again that she could not see the President.

At this Mrs. Morris became perfectly white. I thought it was the whiteness of anger, for, as I viewed her, she had manifested no symptoms of insanity. She declared that she would not leave the Executive Office; that it was a public building and she had a right to be there; and she dared Mr. Barnes or anybody else to try to make her leave.

Her tone of voice at this time was loud, and she was making, both in manner and tone, an ugly scene. Officer Frech approached her and, leaning toward her, admonished her to be quiet. Turning on him, Mrs. Morris exclaimed: "Don't touch me. I'll sit down, but I won't go away."

Although Officer Frech, up to this time, had not attempted to lay

hands on her, Mrs. Morris backed away and finally sat down in a chair on the west side of the room, near the entrance to the clerical office. She continued to talk and gesticulate. Officer Frech approached her and requested her to leave the office. As he leaned toward her she cried, in a loud tone:

"Don't you touch me; don't you dare to touch me. I'm 50 years old, and I never had an officer's hands laid on me. I want to see the President—that is all."

Officer Frech tried to induce her to leave the room, but as she refused to move from the chair in which she was sitting he took her by the left arm.

Mrs. Morris is a woman of generous build, and it would not be an easy matter to move her if she resisted. She weighs, I should say, about 170 pounds, although, of course, my opinion is a mere guess.

As Officer Frech could not induce her quietly to leave the Executive Office, James Sloan, one of the secret-service operatives stationed at the White House, stepped forward and together they took hold of Mrs. Morris, practically lifted her from the chair, and urged her forcibly toward the door. Then it was that Mrs. Morris began to scream. She hung back and gave both officers serious trouble in getting her to the door. She screamed so loud that her cries could be heard all over the Executive Offices. She kicked at the officers, tried to get her arms loose in an effort to strike, and seemed to be trying to bite at their hands.

The scene was a most distressing one. Mrs. Morris cried as she was carried through the door, "Oh, my God, will nobody help me?"

The plaza in front of the Executive Offices was wet and muddy. After the officers had gotten Mrs. Morris outside of the doors and perhaps 15 feet from the entrance, Sloan relinquished his hold, his place being taken by a police officer stationed outside.

Until this time Mrs. Morris had remained on her feet, resisting the officers with all her strength. Finally, however, she dropped to the pavement, in a sitting posture, refusing to go farther. Thereupon the officers picked her up bodily and carried her along the driveway which leads under the porte-cochère of the White House. Seemingly they did their best to protect her clothing from the mud and water, but, in the circumstances, that was not entirely possible.

I did not see Mrs. Morris afterwards, not being present when she was put into the cab and sent to the house of detention.

As to her ejection from the Executive Office, I am quite sure that no more force was used than was absolutely necessary. Had a man acted as she acted he would have been treated, probably, summarily. I did not hear Mr. Barnes order her put out of the offices. My opinion is that she ought to have been released when the officers got her outside of the entrance to the offices, but I understand that the police regulations provide for the action of officers in such cases, and had they released her they would have laid themselves liable to a suit for assault, once having placed their hands upon her.

Mr. Barnes did all that he could have been expected to do to avert a scene. He treated Mrs. Morris in a quiet and dignified manner, time and again urging her not to make any trouble. He might have permitted her to retain her seat in the Executive Office reception room, but, in my judgment, his action in that regard was purely a matter of opinion. He thought Mrs. Morris was insane, as I have learned since, and her action and manner, it is only just to say, probably warranted such an assumption on his part.

Very respectfully submitted.

E. E. PAINE.

The PRESIDENT.

Mr. TILLMAN. The statement of Mr. Barnes is the White House statement—in effect, the President's statement—because the last letter from him, which I just had read, was written in April, after his nomination, and when it was understood at the White House that the man was on trial or that there might be a trial of him. Therefore it was made as plausible as possible, and the defense was presented in the best possible light.

Mr. President, having given what is the version of the occurrence of the people of the White House, substantiated by Mr. Paine, who was in the office when the occurrence took place, I want to show what actually took place, as I have claimed from the first, which I have always said on my responsibility as a man and a Senator I would prove, and which I am still ready to prove by as reputable men as there are in this city, and disinterested men rather than interested men.

I send to the desk and ask to have read a statement furnished me a few days after this unfortunate occurrence by one of the newspaper correspondents who was in the Executive Offices at the time, and which I would have proved and can yet prove to be absolutely correct by at least three other newspaper men. I will state here that the young man's name (he did not sign the paper then, because he did not feel that it was worth while, but he was always ready to respond to a subpoena to testify) is James H. Price, of the Times, Washington, D. C., and I ask that his statement may be read in order that we may have the other side of the story. It is Exhibit C.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

EXHIBIT C.

Statement proposed to be proved by Senator Tillman, and is apparently that of one of the witnesses he asks to have examined.

Coming in from lunch at 1 o'clock, I noticed in the general lobby, near Mr. Loeb's door, a lady, whom I afterwards found out to be Mrs. Minor Morris, sitting very quietly, evidently waiting to see one of the secretaries. I entered the press room and engaged in a general conversation with three newspaper men who were in there. The door to the press room is always open, and as the hour was near the President's lunch hour everything was unusually quiet in the lobby. Very suddenly we heard a loud exclamation which sounded like "Oh, no, no; don't do that." All of us jumped to the door and entered the main room, where we found a secret-service officer and Officer Frech in the act of pulling the woman out of the chair in which she was

sitting. Prior to this we had heard no loud voice, and I am positive there was no boisterous conduct. A word spoken above an ordinary tone would have reached our ears very easily. Then men pulled the woman to the door, where Officer Murphy relieved the secret-service man. Their object was to get her to the guardroom, just opposite the Treasury building. To do this they had to carry her down the path leading to the basement of the White House and through the long corridor used during the receptions. Before going 20 feet Mrs. Morris fell to her knees, but was jerked to her feet and dragged on. Before they disappeared from sight she must have fallen six or eight times. Just before disappearing through the archway leading to the basement, I saw a negro man, Charlie Reeder, the President's footman, rush out and pick her up by the heels. The last I saw of Mrs. Morris she was being carried off like a sack of salt, with the negro at her feet and her dress hanging above her knees. I went around to the guardroom and saw Mrs. Morris literally thrown into an awaiting cab.

Mr. TILLMAN. Mr. President, I wish to call attention to some statements which have been made in the so-called "investigation" ordered, as I said a little while ago, by the President and performed by Major Sylvester. Commencing with the memorandum I have here, I call attention to the fact that Mr. Barnes three times, in the statement read a little while ago, speaks of Mrs. Morris as having shrieked; "shrieked at the top of her voice;" "shrieked her refusal." "As soon as she was on the outside of the office building she threw herself on the ground." And again he repeats the denial that a negro had anything to do with it. He does say that he did not see the finality before the woman was carried into the driveway under the White House, but that the two officers who were carrying her, or dragging her, had told him that they did not have time for "accurate" observation. Yet whether or not there was a negro mixed up with it or participating in it could have been found out in ten minutes by asking either one of the three newspaper men beside Paine, who stood in front of the Executive Office and watched the cruel and miserable performance.

Mr. Paine says her "tone of voice and manner drew the attention of the people in the reception room." Mrs. Morris did not scream until after they took hold of her. Mr. Barnes says she had shrieked three times, twice before they took hold of her. So there is a contradiction here among the witnesses for the defense.

Mr. Paine says: "After getting outdoors she dropped to the pavement in a sitting posture. Seemingly they tried to protect her clothing." C. H. Murphy, the man who helped Frech carry her—or drag her, as I will prove—after they had gotten her to the doorstep, says: "She sat down in the mud." And he states a fact which Mr. Barnes could have found out about without going any further, that the "negro draped her clothing around her feet;" that "her clothes were ruined, caused by sitting down in the mud," says Murphy. The negro was there. They did not deem it worth while to ask him whether or not he had caught hold of her ankles; nor did they dare ask. Mr. Barnes says they picked up her purse and back comb, or something like that. Did he ask what became of the money in her purse? She told me she had \$7 or \$8 in it, and that when she got to the house of detention it was gone.

Mr. Sloan says she "stood on the sidewalk." Stephen A. Connell—these two are Secret Service men—says "she stood on the sidewalk." Bramlett, a policeman, who was looking on or taking some part in it—I have not time to read all the various so-called "affidavits" of these policemen who were evidently endeavoring to shield each other and make the best of a bad case—says the "negro draped her feet," or covered her feet with her clothes. One of these policemen, or two of them, said she tried to "bite and scratch."

Another one said "she tried to claw Mr. Frech in the face." Mr. Frech himself says that she had gloves on, as any well-dressed woman would have in such a place. Her scratching or "clawing" was therefore impossible.

Mr. Gifford Pinchot, junior, I reckon, or senior, I do not know which, who was in one of the offices with somebody, came to the door when the shrieking began and in his statement says she "was not dragged." Major Sylvester states, upon the authority, of course, of his men, that she "was not dragged," and that she "sat down."

Mr. President, I call attention now to the only witness who was produced, or rather the only person who sent in any evidence whatever. It was not sworn to, in fact none of these statements were ever sworn to. The chief of police called on various men who had to do with it or saw it and they made statements, but they were not sworn. There was no evidence of any kind worth while ever shown the President, and he seems to have been very indifferent as to whether he had the facts or not, because he must have known that these newspaper men were there, and he had no good reason to single out Paine and ask him for his memorandum or statement and leave the other four or five unquestioned. I do not mean, of course, to say that he had no right, but he did not seem to care to arrive at the truth.

In regard to the dragging and the sitting down, Major Sylvester, in a letter which he sent to Mr. Loeb or to the President, I do not recollect which, states that Mrs. Morris called him up over the telephone the next morning after she had escaped from the clutches of his tender and kind officers and told him that she fainted when she got to the doorstep.

With the woman fainting and limp and so heavy to carry, in the performance of this duty she was carried out in an indecent and brutal way. Was it possible that men with mothers were so little thoughtful of a woman well dressed and to every appearance a lady, and who, as I am prepared to prove, is a good woman as far as any woman can be proved good? At least no one has proved her to be bad, and they tried hard to do so. I say, should not those men have taken cognizance of the fact that she had lost consciousness and was not able to stand up or walk even with their help?

Moreover, Mr. President, it is repeated in two or three of these statements, and Mr. Frech, the policeman, Barnes's brother-in-law, who had arrested her and afterwards lodged a charge of insanity against her, made a statement. I will send to the desk and have incorporated the official copy sent to me from police headquarters.

The VICE-PRESIDENT. Without objection, the paper will be printed in the RECORD.

The paper referred to is as follows:

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT,
DISTRICT OF COLUMBIA,
Washington, May 2, 1906.

Hon. B. R. TILLMAN,
United States Senate.

DEAR SIR: Inclosed herewith please find copies of certificates filed with the sanitary officer of this department, in conformity with your request of this date.

Very truly,

RICH'D SYLVESTER,
Major and Superintendent.

AFFIDAVIT OF LUNACY.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT,
SANITARY OFFICE,
Washington, D. C., January 4, 1906.

I, the undersigned, being an officer duly authorized to make arrests in the District of Columbia, do certify under oath that I have apprehended and detained Alice Hull Morris, and from what I know and have seen of her I believe her to be insane or of unsound mind, incapable of taking care of herself or her property, and if permitted to remain at large or go unrestrained in the District of Columbia the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

JACOB P. FRECH, M. P.,
719 O street NE.

Subscribed and sworn to before me, this 4th day of January, 1906.
[SEAL.] JAMES A. KEMP,
Notary Public, District of Columbia.

I hereby certify that the foregoing is a true copy.
JAMES A. KEMP,
Chief Clerk Metropolitan Police Department,
District of Columbia.

[Copy.]

JANUARY 4, 1906.

This is to certify that I have this day examined Mrs. Alice Hull Morris, and do not believe her at this time to be of unsound mind.

J. S. WALL, M. D.
W. THOMPSON BURCH, M. D.

I hereby certify that the foregoing is a true copy.
JAMES A. KEMP,
Chief Clerk, Metropolitan Police Department,
District of Columbia.

Mr. TILLMAN. Frech, as I said, either thought then, or he very soon afterwards thought, because some one suggested it to him, that the woman was insane. Frech saw Seventeenth street less than 30 yards away on his left as he went out of the room with this woman. He could just as easily have stopped and held on to her, to comply with this bogus or imaginary rule of the police department which compels a policeman once he has put his hands on a person to complete the arrest and file charges. Frech could have called for a cab by telephone to come to that place, as well as over at the other end on Madison place next the Treasury, 200 yards away, and he could have performed his duty just as effectually and more in accord with decency and the rules of civilized society and of law and order. Among civilized people insane persons are treated with more kindness and consideration than others who are sane. Why was this lady treated so brutally?

But I want to get back to the question of the "dragging." I have pointed out extracts from the statements showing the repetition by one man after another, both inside of the house and outside, that she was not dragged. The only witness who had anything to the contrary to say was Mrs. Thornburgh, the matron of the house of detention, who says in her statement that "her dress was very much torn," that it was "torn from dragging and being ground out on the pavement."

And, Mr. President, I have Mrs. Morris's skirt, a black silk dress, which she furnished me to use before the committee. In that skirt there are half a dozen or more rents, some of them across whole widths, some of them up and down, and some of them crosswise. But one of them is a round hole, about 4 inches in diameter, with the jagged, finely cut edges across the bias, as well as up and down the threads, which will prove beyond all possibility of dispute that they had dragged her along on that knee at least until, as Mrs. Thornburgh says, the clothing had been worn out—not only the silk, but the underclothing as well.

The skirt would prove every man in Washington who wanted to undertake to say she was not "dragged" the most arrant liar, to say nothing of the newspaper men who stood looking at the pitiful spectacle, who have been prepared, when summoned authoritatively, to bear witness to it, but who have not been asked or permitted to give their evidence under oath, and all of them are gentlemen.

Mr. President, there are other features of this unfortunate, disgraceful transaction to which I will now pass.

Mr. President, this woman, Mrs. Thornburgh, the matron, has a long story here sent from the White House as a part of the exhibit in the defense of Mr. Barnes's action, and among other things she said this:

Q. Did she leave you under the impression that she was demented?—A. Yes, sir. A great many demented people will drop down on their knees and pray, and before she would leave the office she dropped on her knees by the desk and sent up a petition for guidance and asked that her enemies be confounded, and that the President be brought to view the case of her husband; that it was a just and Christian act to do, and that he was influenced by people who had a grudge, or spite, against her—not her—but us. Afterwards she went upstairs and prayed again for support and the confounding of her enemies, which, to my mind, in the place where she was, was what a person in their right mind would not do. She prayed twice in my room.

Well, Mr. President, it is not for me to comment on what Mrs. Thornburgh's opinion in regard to these prayers was. I am not a praying man myself, at least I pray very seldom, and mostly my prayers are voiceless, but it is a strange proposition that because a woman under the conditions which surrounded Mrs. Morris prayed she should be regarded as demented.

I want to pass on to the action of the President. The day after I made my speech in the Senate on the 17th day of January—I presume it was the next day, because this letter is dated Washington, January 19—the following was written by Major Sylvester to Mr. Loeb:

[Confidential and personal.]

HEADQUARTERS OF THE METROPOLITAN
POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, January 19, 1906.

Hon. WILLIAM LOEB, JR.,
Secretary to the President, White House, Washington, D. C.

MY DEAR SIR: I have your reference of the 18th instant respecting inquiries you desired should be made of certain persons to whom you refer concerning Mrs. Minor Morris, and I beg leave to respectfully inform you that Dr. J. Wesley Bovee has for a number of years been intimately acquainted with Mrs. Morris's relatives, and he stated that from the history of her case and judging from reports he was of the opinion that her mind is not right, and that he would be pleased to confer with you on the subject if you so desire.

As directed by you, through Assistant Secretary Barnes, I have written the Hon. Thomas S. Rollins, at Asheville, N. C., in regard to information given you concerning the deposition of the physician in that city.

As to Mr. Stokes, that gentleman was not seen, as I was informed he had made a statement to you.

Mr. Jacobs, of Woodward & Lothrop's, was not disposed to give a written statement with respect to that firm's experience with Mrs. Morris, which was her excitement over delay in passing upon her check and certain matters in trade.

Mr. Boxer, at Kann's, stated there was nothing in the case there; that there was nothing to be said.

Mrs. Dunlap stated that Mrs. Morris had upbraided her for having placed her own name as chairman of the committee on a letter head and omitting the names of other members of the committee, a work which she had done at personal expense, and that the experience was very unpleasant.

I inclose herewith report of females taken up at the White House by the service there since 1903, as requested by you.

Very truly,

RICH'D SYLVESTER,
Major and Superintendent.

Then follows a letter addressed to Mr. Loeb, which I will have printed without reading, from Hon. Thomas S. Rollins, of Asheville, N. C., who, by the way, is a Republican State chairman of North Carolina, and he forwarded it as an exhibit in the Morris case; and a letter from one H. Bascom Weaver, M. D. I will not read it, but will have it printed. In it Doctor Weaver, if he is worthy of the name of "doctor," which I very much doubt, stated that he had treated Mrs. Minor Morris two years ago on her way from Florida to the North, and that she was "a crank and unbalanced." As soon as this became known—and I let Doctor and Mrs. Morris know it—they furnished me an affidavit, sworn to here by a notary public, that neither of them

had ever been in the city of Asheville at all, two years ago or at any other time.

And later on this doctor did not scruple—his instincts and his code of medical ethics permitted him to write a letter in connection with one of his patients and not make it public, because he did not expect it to be made public—but he lent himself to the dirtiest conspiracy, the effort to convict this woman of being crazy. They had failed through Frech on the charge of insanity, sworn to the evening of her arrest; and that was long after her friend Mr. Guthridge had gone and deposited the \$5 required in an ordinary case of disorderly conduct. They had kept her there in the hope, I suppose, that the two physicians whose duty it is to pass upon such cases would adjudge her insane and hustle her off to St. Elizabeth's. But the two doctors, Wall and Burch, would not sign any such certificates, although Doctor Burch did say in his statement given to Major Sylvester later that he thought there was something wrong with her. "She was hysterical." Of course she was crying. She was outraged. She had been brutalized or had been cruelly treated. And who would not? What woman, whether gentle-born or not, would not have exhibited those ordinary attributes of the female sex under such circumstances?

The letters referred to are as follows:

ASHEVILLE, N. C., January 20, 1906.

HON. WM. LOEB, Washington, D. C.

MY DEAR SIR: I have this day mailed to Major Sylvester a statement from Dr. H. B. Weaver in regard to Mrs. Minor Morris, which I trust will be of some service and information. Doctor Weaver is ex-president of the North Carolina Medical Association, and is one of the leading physicians in this State. If I can be of any further service to you in regard to this or any other matter, don't hesitate to call on me. With kindest regards and best wishes, I am,

Very truly,

THOMAS S. ROLLINS.

P. S.—I inclose a copy of Doctor Weaver's letter for your information, but he prefers that his statement be not made public unless necessary.

ASHEVILLE, N. C., January 20, 1906.

MAJ. RICHARD SYLVESTER, Washington, D. C.

DEAR SIR: Mr. Rollins has just shown me your letter of the 19th instant, and while there is usually a relationship between physician and patient that is sacred and inviolate, yet there are times when even secrecy should be invaded for the good of the public. The White House episode of the Mrs. Morris affair is an instance illustrative of this fact. Not only is our Chief Executive brought unduly under unfavorable criticism, from which, owing to his high position, he is unable to vindicate himself, but the whole nation is attempted to be brought into disrepute by designing persons who wish to exploit themselves before the world. I deem it, therefore, eminently proper under the circumstances to state frankly as a physician my knowledge of Mrs. Minor Morris from a medical standpoint.

About two years ago, while Mrs. Morris was in Florida, through correspondence she came to Asheville and became my patient, or rather, I became her medical adviser, her husband being a physician. She remained in this city about six weeks, and from all I saw and heard of her actions I was forced to the conclusion that she was unbalanced mentally, or, in familiar parlance, a "crank," or, as we say, suffering from a mild form of insanity—a monomania. I do not deem it necessary at this time to go into the details of the symptoms which would be confirmatory of my diagnosis.

I have the honor to be, sincerely, yours,

H. BASCOM WEAVER, M. D.

Mr. TILLMAN. I shall have incorporated, but will not read, the statement of Sergeant Gallaher as to what transpired when she was brought to the house of detention, and about what charges were filed or made against her, and why she was held.

Mr. Guthridge found he could not get her released by depositing the ordinary amount, because the sergeant had telephoned somewhere, and I afterwards find the testimony here that he had telephoned to Barnes, and Barnes refused to have her released. So that Barnes was easily responsible, not only for her first arrest, but her continued incarceration under the circumstances I have mentioned.

IN CHARGE HOUSE OF DETENTION.

WASHINGTON, D. C., January 12, 1906.

Statement made by Acting Sergt. John Gallagher, superintendent of the house of detention, to the major and superintendent of police.

I am the superintendent of the house of detention. On the 4th of January, I think it was, about 1 o'clock, a call came from the White House for the house of detention cab. The clerk gave me the message, and I went along in the cab to the guardroom, where I saw this lady—Mrs. Morris. Officers Frech and Brown and Mr. Stone, the head usher, brought her out and put her in the cab. I did not assist in bringing her out. As soon as I got there they brought her out.

The lady was very much excited, did not want to go, and fought the officers all she could; but it was not more than a second before she was in the cab. She did not fall down, but she tried to throw herself back. The officers had hold of her arms, one on each side, and Mr. Stone also helped put her in the cab. I did not see a black boy there; but there were eight, ten, or a dozen people around. She was crying out loud and screaming. She did not use any profanity. She did not bite the officers. The officers had to force her in the vehicle; they pushed her in, and she was resisting all the time. The officers did not use any more force than they had to to get her in. Her clothes were torn when I got there. I don't know who tore them. Officers Frech, Brown, and myself accompanied her to the house of detention. She made so much noise I said we would have to take her to No. 1; that we could not take her to the house of detention.

She wanted to know where she was going, and I said to the house of detention. When I said that she slapped me in the face with her hand. I did not touch her. She did not seem to have all her faculties. When we got to the house of detention I took her to the clerk's office. When we got to the house of detention she got out of the cab and walked in the house without anybody putting hands on her. Officer Frech charged her with disorderly conduct. Afterwards the charge of insanity was made against her by Officer Frech.

When we got in the house she said she wanted to telephone to Mr. Guthridge, who is on Fourteenth street, and also wanted to telephone to Mr. Warner. She telephoned to Mr. Warner, and he was just going to leave town; and she telephoned to Mr. Guthridge, and he said he would be over as soon as he could. Doctor Burch was there at the time, had been there to examine an insane woman, and I telephoned to him from the White House to wait until I got there, which he did. I did that because I thought they were going to put the charge of insanity against this woman. When I got there Doctor Burch said: "There is no charge of insanity against this woman." I said to Officer Frech: "Aren't you going to put some charge against her?" He said: "I will make the charge of disorderly conduct against her; I can sustain that charge." I said: "You had better call up the station you belong to." He did so. I said: "What collateral do you want for her in case a friend comes and puts up collateral?" He telephoned to the fifth precinct, and said \$5. I said to him: "If anybody comes and puts up collateral, shall we let her go?" He said: "Yes." I thought, to hurry up the matter, I would go over and see Mr. Guthridge. When I got there they said he had gone over to the house of detention. I telephoned to the clerk and asked if he was there, and he said he was, and wanted to put up \$5. I said: "Take it and let her go." On my way back I stopped at the White House and saw Frech and said: "I suppose she has gone. A friend has put up \$5 for her." He said: "No; I have put the charge of insanity against her." He said he had put the charge of insanity against her and he was the officer and complainant. I don't know why he put that charge. I went back to the house then and found Mr. Guthridge, her friend, there, and did the best I could until the doctors came to pacify her. She was in charge of Matron Thornburgh. When she went away she said she had been treated very nicely and shook hands with me.

But, Mr. President, returning to Doctor Weaver, I could not restrain my indignation a little while ago, thinking about a man, a southern man at that—I do not say that in any derogatory way of northern men not being just as chivalrous as we are—but the idea is incomprehensible to me that a man of the South, who occupies a position which they say this man has held, should undertake to help out a political ally or friend by sending that statement; but he afterwards, when the facts were brought out, crawled out of it, and said he had been betrayed or tricked by having a letter, which he had given in confidence, made public. I send to the Reporter, and ask to have it inserted without reading, a clipping from the Asheville Gazette-News of Saturday, June 2, 1906, in which an interview is had with this pink of medical propriety, in which he says that he attended a Mrs. Morris, but was not prepared to say that it was this Mrs. Minor Morris; that in fact he had forgotten what her given name was. The only pity is that he had not stated that at first, instead of committing himself unequivocally and in direct terms to the statement that he had attended Dr. Minor Morris's wife, or words to that effect.

The statement referred to is as follows:

[The Asheville Gazette-News, Saturday, June 2, 1906.]

STATEMENT MADE BY DR. H. B. WEAVER—HE COULD NOT IDENTIFY THE "MRS. MORRIS" WHO WAS FORMERLY HIS PATIENT.

In view of the publication of his letter written Maj. Richard Sylvester, in response to a request to tell what he knew of the mental condition of Mrs. Minor Morris, and of the controversy which has raged in regard to the letter and his motives in writing it, Dr. H. Bascom Weaver, of this city, has finally consented to make a statement relative to the matter. Following is the letter:

ASHEVILLE, N. C., January 20, 1906.

MAJ. RICHARD SYLVESTER, Washington, D. C.

DEAR SIR: Mr. Rollins has just showed me your letter of the 19th instant, and while there is usually a relationship between physician and patient that is sacred and inviolate, yet there are times when even secrecy should be invaded for the good of the public. The White House episode of the Mrs. Morris affair is an instance illustrative of this fact. Not only is our Chief Executive brought unduly under unfavorable criticism, from which, owing to his high position, he is unable to vindicate himself, but the whole nation is attempted to be brought into disrepute by designing persons who wish to exploit themselves before the world. I deem it, therefore, eminently proper, under the circumstances, to state frankly, as a physician, my knowledge of Mrs. Minor Morris from a medical standpoint.

About two years ago, while Mrs. Morris was in Florida, through correspondence, she came to Asheville and became my patient, or, rather, I became her medical adviser, her husband being a physician. She remained in this city about six weeks, and from all I saw and heard of her actions I was forced to the conclusion that she was unbalanced mentally, or, in familiar parlance, a "crank," or, as we say, suffering from a mild form of insanity—a monomania. I do not deem it necessary at this time to go into the details of the symptoms which would be confirmatory of my diagnosis.

I have the honor to be, sincerely, yours,

H. BASCOM WEAVER, M. D.

When shown the above, Doctor Weaver stated that, as indicated in the letter, he had acted only through patriotic motives, and with no other idea than to give any assistance in his power to the President. "I was not," he said, "the one to make the advances, and when writing it supposed and was assured it would be respected as confidential. I was not consciously a party to any muck-raking performance, and I desire that to be clearly understood."

In reply to the question of whether he had ever treated Mrs. Minor Morris he stated that all he knew of the matter was that he had

treated a Mrs. Morris, the wife of a physician, and a woman whom he believed at the time of writing the letter to Major Sylvester to be Mrs. Minor Morris. He was led to believe this by the similarity of the names, the fact that both were wives of physicians, from the published descriptions of Mrs. Minor Morris, and from the published accounts of her eccentricity and general conduct.

"No, sir," said Doctor Weaver, in response to a query, "I could not identify my patient of two or three years ago should I now see her. Should Mrs. Minor Morris be shown me I could not swear that I had ever treated her, or that she was my former patient to whom I refer. I was led to entertain that belief at one time, but in view of the denial of Mrs. Morris and her husband that the lady was ever in Asheville I am not prepared to dispute their assertions."

Doctor Weaver can not recall the initials or given name of the Mrs. Morris whom he formerly treated, for since she represented herself as being the wife of a physician he entered no accounts against her on his books, and any other records he might have had have been lost.

The significance of this statement is easily seen. It wholly destroys the value of such evidence as Doctor Weaver may have given and which is being used to secure the confirmation of B. F. Barnes, the hero of the drag out. Doctor Weaver stated in his letter he treated "Mrs. Morris," but he is not now prepared to identify Mrs. Minor Morris as the woman "in common parlance called a crank."

Mr. TILLMAN. Now, I want to get back to Major Sylvester. I want to say here that I have absolutely no feeling whatever against that officer. I have only met him once or twice, and then pleasantly. In what he did in this case I do not hold him responsible, because he did it at the command of the President of the United States.

Major Sylvester, having been given the job by Loeb, put the muck rake at work up and down by the police and the secret-service men through the streets and highways and the byways of Washington, of North Carolina, and everywhere else, and sending in reports, using the guardians of peace and order, the men paid out of the Public Treasury to keep track of counterfeiters and those who are evading the revenue and other laws of the United States, he makes this pitiful showing. He furnishes one or two letters, one being from this man Stokes, who kept the Portner.

The point I want to present is, what shall we think and where lodge the responsibility, and how shall we prevent a recurrence of this kind of thing, unless the American people can be made to understand the enormity of it and the outrage of it, that a respectable woman going to the Executive Offices in a legitimate way and behaving herself, possibly with some little lack of discretion and good sense, but still there were policemen and barred doors between the President and any harm; there was no danger to the President; she was there seeking to get an audience, to present her petition. It has been recognized, oh, so far back that I can not even recall the first time, that the right of petition, even to royalty, is a sacred right. This woman called to present her petition, and, because she did not behave just exactly according to the ethics and the code of Mr. Barnes, was arrested in this manner, dragged out, brutalized, every possible indignity put upon her, carried off, hustled to the house of detention, and charged with insanity; and when the request is made of the great and honorable Senate of the United States to investigate these facts in the privacy of executive session, to ascertain whether this man is fit to be or ought to be confirmed as postmaster of the city where he had performed this piece of cruelty, that great Senate felt unwilling or did not dare—I will not say that, but somehow or other it appears that way to me—that great Senate would not grant the pitiful little plea of this woman and those who tried to befriend her to let her show how she had been treated.

Major Sylvester's muck rake—I will call it—with the handle in the White House, had scratched about in Washington and got together a few pitiful stories of Mrs. Morris's eccentricities or excitability and hysteria, and one thing or another, and through other instrumentalities—I do not know where to locate them—all through this city and in this Senate, and I have heard whispered about for the last two months the most damaging stories about her past life. The effort has been made to blacken her reputation and to destroy all sympathy for her.

The chief of police was told to investigate, and though knowing there were five other men there besides the one who had written this statement—Paine—he never went to one of them, and Paine himself—and I will state that I would prove it if I had a chance—the evening of the occurrence was as indignant as anybody else that evening, and so expressed himself to his brother correspondents; but never a word of protest the next morning, when he changed his views and began to talk and say that Barnes was justified, and that everything that had been done was proper and could not be helped.

But, Mr. President, there is another phase of this situation right here, which I want to mention lest I forget it, and that is that just one month after Sylvester's pretended investigation—for it was only a pretense; probably he had an intimation that he must not make it thorough, that he must convict Mrs. Morris; I do not charge it—but just one month after this transac-

tion, Mrs. Morris having been arrested on the 4th of January—on the 6th day of February a cadetship at Annapolis was given to the son of Richard Sylvester, a civilian, and a cadetship at Annapolis to the son of Elmer E. Paine, by Theodore Roosevelt, the only man who can give those favors.

I have been informed—I do not know, for I have not asked for any of these things during my years of service here—but I have been told that the cadetships which the President is allowed to distribute, as a perquisite of his office, are sacredly reserved for the sons of Army and Navy officers, who can not get into either of the academies because they have no Congressional district or State from which to obtain the appointment. Yet after this, probably unpleasant, certainly dirty work, by Major Sylvester, and after this remarkable transformation in the opinions and feelings of Mr. Elmer E. Paine, Paine's and Sylvester's sons are given recognition in a most remarkable and unusual way.

Mr. President, while it may be merely a coincidence—and I have been told that it was promised long before the occurrence—it is an unfortunate coincidence that the appointments should have been made just following the connection of these men with the effort to destroy Mrs. Morris's case.

I want to put into the Record—I shall not read it—the poem "Insomnia," which was designated as evidence of this woman's insanity. I do not understand all of it, but there are a great many hundreds of pages in Browning, in Kipling, in Ossian, and of some other men,

Whose names the world will not willingly let die, that I do not entirely comprehend or sympathize with; but I will venture to say that these lines will strike some people as showing remarkable skill in making sentences and giving expression to thoughts that no ordinary mind ever had. I want to insert this in the Record, with the permission of the Senate.

The VICE-PRESIDENT. In the absence of objection, permission will be granted.

The poem referred to is as follows:

INSOMNIA.

Eyelids drawn by hand of fiend;
A thousand terrors, as of noisome things!
Of reptiles sleek and sinuous,
Spitting the poison from their gums,
Of beetles, wasps and asps, and nameless little things
That with a dot do sting the body to a pulp.
Legions of devils laughing
While their imps the heartstrings pull.
Roar of lions, screech of tiger cat
All habiting the brain,—busy too, as devils in their hell.
Pulses running burning lava,
Eyes surcharged with brine, hidden in their sockets,
Or puffing orbs to bursting.
That run down furrows that once were cheeks of snowy roundness
Eagles, and birds of prey, long beaked sit,
And from the heart do peck an atom every hour;
And chatter, while they make their feast.
For what man, all this?
Mayhap for nerves o'er wrought in Music's realm
Or for the mission to the sick
A life to others given;
Or book of sunny thoughts to gladden all who read
Writ by midnight oil, too long, too ceaselessly;
A fair star beckoning over there, a magnet to the man,
Or bird of beauty perched to lure by song so sweet,
That song and plumage are too fair and beautiful.
Mayhap a poem, of so rare a worth,
So wondrous in its prophecies
And yet its beauty digging entrails out of him who writ;
A painting, too, a story tells of tortures of the damned,
Extremes which meet in fervid heat
Turned, by excess, to bitter gall.
The receding or passing of the goal as he approached it,
The small, mean, little thing compared with what he felt,
And what his soul could feel.
So a statue; cold, unyielding,
Which should have breath, but would not,
Should speak; but silent and disdainful
Because it can not feel the lava in
Its author's burning veins.
And so the bard has writ of the torments of success.
Each wrought as best he could, and not in vain,
If but to know man's impotence.
And each a great truth tried to tell,
And oft with wizened visage
Comes foul-tongued Calumny,
And sears whatever it looks upon
With deadlier poison than the nightshade's breath.
Another and a briefer yet,
The miser's gold to count, until hands palsy by the act.
A poor, mean quality, that makes men
Knave and fools, forgetting God and all most dear
To hoard and worship for a few brief years,
In getting, hastening for themselves their end,
That they who follow them the gift may dissipate.
And what the meaning of all this?
How with devils laughing in his ears
And wild cats hissing,
Torrid heats and thirsts unsatisfied,
The Nemesis of overstriving, colossal, nebulous, yet real,
Can man his lesson find of patience for the end?
To trust and wait on promises of longer life, and larger,
For the breath into his statue,

Sweet charity returns unto his soul,
The truth within his story or his song?
Yet it is writ, and so ordained that man must work
That the spirit shall be tempered like the steel,
That the flesh shall be aware, that all shall be a burden
That men shall turn to heaven for his goal.
The laborer shall toil and sweat,
His night's relief engaging,
For toilers of the brain and heart,
Ambitions weary slaving,
Each earns his modicum of rest
And wits upon the morrow
Eager for the promises, and morning light to come.

(Laura Hull Morris.)

Mr. TILLMAN. One final exhibit, and then I am through. On the 16th of February Doctor Morris wrote a manly and respectful letter to the President calling attention to the manner in which his wife had been treated, and asking for an apology or for some reparation by the Executive of the wrong that had been done to her. I will not read that, but I want it printed, and I ask permission that it be printed.

The VICE-PRESIDENT. In the absence of objection, it will be printed.

The letter referred to is as follows:

THE NEW WILLARD,
Washington, D. C., February 16, 1906.

THE PRESIDENT OF THE UNITED STATES.

SIR: Having waited patiently a number of weeks that you might have ample time to ascertain all the circumstances connected with the insult recently offered my wife at the White House, and that you might make some expression of deprecation which would naturally be expected, it is now incumbent upon me as husband and citizen to demand a public apology for this outrage on womanhood and common decency.

It is unthinkable that such brutality would be tolerated anywhere in this country, but above all in the White House.

That my wife has been confined to her bed six weeks from the shock and injuries of this damnable treatment is bad enough, but I can say to you in all calmness that had the original orders from the White House been carried out as to her longer incarceration her life would have been sacrificed. It is therefore incumbent upon me to repeat my urgent request that you take action at once suitable to the circumstances which have shocked the entire nation.

Respectfully,

MINOR MORRIS.

Mr. TILLMAN. Then followed the letter of Mr. Loeb, dated February 19. On that date Mr. Loeb, by instruction of the President, wrote the following letter in reply to the letter of Doctor Morris:

No. 15.

THE WHITE HOUSE,
Washington, February 19, 1906.

SIR: In reply to your letter of the 16th instant, the President directs me to state to you that he had the superintendent of police of the District of Columbia, Major Sylvester, make a careful investigation of the circumstances connected with the arrest of Mrs. Morris for disorderly conduct at the Executive Office, and the superintendent submitted to the President all the affidavits of the persons whom he had examined. The President carefully went over Major Sylvester's report and the affidavits, and also personally saw Major Sylvester and some of the persons making the affidavits. He came to the conclusion that the arrest was justified, and that the force used in making the arrest was caused by the resistance offered by Mrs. Morris to the officers in the discharge of their duty, and was no greater than was necessary to make the arrest effective.

Under these circumstances the President does not consider that the officers are properly subject to blame. He was also satisfied that the kindest thing that could be done to Mrs. Morris and her kinsfolk was to refrain from giving any additional publicity to the circumstances surrounding the case.

Yours, truly,

WM. LOEB, JR.,

Secretary to the President.

Dr. MINOR MORRIS,
The New Willard, Washington, D. C.

In other words, you think you have been wronged; you think you have been outraged; you think your wife has been treated cruelly, but I do not think so. I have examined—what? "Affidavits?" Not an affidavit was ever made in the case. It is another instance of the President's careless use of words. No person has ever made a sworn statement. I examined every paper as it came from the White House before being sent to the Printing Office, and made careful note of them, and had my secretary take a memorandum of them. I have got the memorandum in my office now, and I say there never was an affidavit made by anybody in the case.

There ought to be an investigation of this case in connection with some other matters. I am not the prosecutor of the Washington police. It is not my business; I do not concern myself about it; I am not on the District Committee; I take no interest in it; but since I have come to investigate and look into this Morris transaction I have had my attention called to certain things. One of them I saw mentioned in the papers. There are a large number of policemen stationed in and around the White House grounds, while large areas of the city are unprotected, and all manner of cutpurses and purse snatchers and thieves are running loose, and felonious assaults are being made on white women and white men, and especially on white women.

I do not want the President left unprotected. I think we

might put a company of soldiers around the White House, if we are going so far along imperial lines, and let the police attend to their legitimate duties. Our young lady who was recently married and has gone across the water is heralded even now in the papers as "Princess Alice." I do not hold the President responsible for that, because he can not prevent a lot of fools on the headline department of the various papers, who see fit to do so, exploiting and hurrahing over and making news out of this young lady's visit over there. I am sure it is very obnoxious to her. But I say if this imperialistic programme of issuing orders to the Senate and the House is going to keep up, we may as well have a company or regiment of soldiers around there, and get ourselves adjusted by degrees to the transition from the simple republican manners of our fathers. If the country wants to go to the dogs or go to the devil along the lines of changing the form of the Government and surrendering the rights of the people into the keeping of one man, I suppose I will have to stand it.

But here is something that is really worth while, and to it I ask the attention of the Senator from New Hampshire [Mr. GALLINGER], the chairman of the Committee on the District of Columbia. Some one told me—I can not recall who—that the police were very negligent in dealing with liquor sellers in the District. Upon inquiry—official, of course—I discovered this: I wrote to Mr. Darneille, the assessor of the District of Columbia, and asked him to give me the name and address of each one of the persons in this District who have paid for retail liquor licenses for the year ending June 30, 1906. He very kindly sent the list to me, and I have it in my hand. I have had the number counted and there are 540. I then asked the Commissioner of Internal Revenue to have sent to me a report of the number of persons in this District who have taken out and paid for the permits to retail liquor, which permits, everyone familiar with the statute knows, are required before a man can safely retail liquor. He said it would take a considerable time; but the names were on file and any citizen who saw fit could go and look at it. He asked if I wanted the names. I told him, "No; I wanted the number," and I received a letter signed "Robert Williams, Acting Commissioner," which I will have printed. It is under date of June 11, 1906. His statement is to the effect that the persons who paid the United States for the privilege of retailing whisky are 865, showing that there are 325 illicit liquor dealers in this District. I will ask to have the letter of Mr. Williams printed in this connection.

The VICE-PRESIDENT. In the absence of objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, June 11, 1906.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

SIR: Referring again to your letter of this date and my reply thereto, concerning your request for list of persons who are authorized to retail liquors in the District of Columbia, I have to state that after dictating my reply to your letter I called you up by telephone and made inquiry as to whether you desired the names of the dealers or only the number thereof in the District of Columbia.

You answered that what you desired in the premises was the number of dealers and that the names of the dealers and their places of business was not required.

Upon receipt of this information I directed James T. Worthington, stenographer to the Acting Commissioner, to proceed to the office of the stamp deputy in this city and make a count of the names of persons to whom special-tax stamps as retail liquor dealers had been issued from the 1st day of July, 1905, to the present date, and I have now to report that the record shows that 865 special-tax stamps have been issued to persons to carry on the business of retail liquor dealer in the District of Columbia.

Respectfully,

ROBT. WILLIAMS, JR.,
Acting Commissioner.

Mr. TILLMAN. Here is something that your police might legitimately and properly exercise their energies upon, and the secret-service men, I think, might better be exercising their talents and using some of their labor to hunt up this lawless element. The law requires that every one of those permits shall be framed or hung in a public place or in an open place where they are easily seen; so, with the internal-revenue office permitting access to their books and records and with the chance to investigate by domiciliary visits that such a condition exists is a disgrace.

Mr. President, I have done. I apologize to the Senate again for having trespassed so long on its time and patience. I am sorry I had to do it. But I felt it my duty to do it. I tried to get an investigation last January; I tried to get an investigation in secret session without any hurrah or exposure of anything or anybody.

I was not given either, and I felt some sense of obligation to myself as a truthful man to make a showing as to the basis upon which I had charged in the open Senate and charged in the secret session that Mrs. Morris had been dragged on the

ground after she had been arrested, and without proper reason, treated worse than a dog, and that the President of the United States had indorsed that treatment by appointing Barnes to the position of postmaster in the District where the women of this city will have to come in contact with him. Not having been able to get anything in the shape of redress or reasonable treatment, I have felt constrained to do what I have done, and I have no apology to make for it. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must inform occupants of the galleries that applause is not permitted under the rules of the Senate.

Mr. HANSBROUGH subsequently said: I desire to ask the Senator from South Carolina whether the names of those holding bar licenses are to appear in the RECORD?

Mr. TILLMAN. I did not ask that they be printed, although I am perfectly willing that they shall be. I have the names of those sent by the District officers.

Mr. HANSBROUGH. I hope the Senator will ask to have them printed.

Mr. TILLMAN. All right; I ask that the names be printed. I will say to the Senator from North Dakota that the other names can be obtained by anybody, the police or anyone else. The clerk of his committee can go to the office of the collector of internal revenue and get the name and domicile of everyone who pays \$25 per annum.

The VICE-PRESIDENT. Without objection, the names will also be published in the RECORD.

APPENDIX.

List of bar licenses for the year ending June 30, 1906.

Alman, Daniel J., 243 Fourteenth street SW.
 Aman, Sebastian, 316 Ninth street NW.
 Alschwee, Henry, 512 Twelfth street NW.
 Appich, John, 1309 Eleventh street SE.
 Albrecht, Frederick, 219 Pennsylvania avenue SE.
 Atzel, Elizabeth, 1219 New York avenue NW.
 Allen, William P., 426 Tenth street NW.
 Allen, Robert, 1917 Fourteenth street NW.
 Army and Navy Club, 1622 I street NW.
 Achterkirchen, William H., Tenleytown, D. C.
 Appler, Annie C., 3219 M street NW.
 Achterkirchen, Henry, 207 Seventh street NW.
 Allen, John J., 807 North Capitol street.
 Atkinson, Marvin, 831 Seventh street NW.
 Brosnan, John J., 500 Four-and-a-half street SW.
 Brehler, Gustave W., 410 E street NE.
 Bielick, John G., 1148 Seventh street NW.
 Bessler, George J., 922 Pennsylvania avenue NW.
 Bucheler, Nannette F., Bladensburg road.
 Bonseigneur, Pierre, 1327 E street NW.
 Babbington, Thomas A., 34 H street NE.
 Beck, Theodore, 631 Louisiana avenue NW.
 Burdine, William T., 107 Sixth street NW.
 Bloss, Henry, 908 First street NE.
 Bartenders' Union Club, 903-905 E street NW.
 Bronson, Simon D., 1942 Fourteenth street NW.
 Bruegger, Jacob, 214 Ninth street NW.
 Buckley, Daniel T., 1001 Sixth street SW.
 Burke, Martin, 301 First street SW.
 Brandt, Louis, 400 New Jersey avenue NW.
 Buckley, K. A., 702 E street NW.
 Burdine, James W., 310 Seventh street SW.
 Burke, Patrick H., 2328 H street NW.
 Brown, Mary S., 103-105 Sixth street NW.
 Birkle, Leopold, 522 Eighth street SE.
 Burke, Hester A., 530 Twenty-sixth street NW.
 Becker, John M., 1120 Eighth street SE.
 Barry, William D., 1300 D street SE.
 Bryan, James B., 102 First street NW.
 Buckley, John B., 1836 T street NW.
 Brown, William J., 709 O street NW.
 Bonini, John E., 727 North Capitol street.
 Buckley, John P., 1304 Wisconsin avenue.
 Burch, Henry C., manager, The Ebbitt House.
 Baker, William H., 931 Louisiana avenue NW.
 Burke, Matthew J., 33 H street NE.
 Burch, Henry C., lessee New Willard Hotel.
 Bauman John C., 301 H street NW.
 Bush, Tobias, 1110 E street NW.
 Brown, Myron O. and Willard W., Dewey Hotel, L street NW.
 Beuchert, John I., 623 Pennsylvania avenue SE.
 Buegeholz, George, 1139 Seventh street NW.
 Brightwood Driving Club, Fourteenth street road.
 Bush, Louis, 1305-1309 E street NW.
 Bush, George, 701 Fourth street NW.
 Bradley, Charles F., 602 Pennsylvania avenue NW.
 Bradley, Thomas, and Timothy Hanlon, 1004 Pennsylvania avenue.
 Burke, Mary J., 2328 H street NW.
 Behrens, Herman, 904 Four-and-a-half street SW.
 Carroll, John T., 201 C street SW.
 Costello, Robert F., 45 H street NE.
 Cullinane, Roger J., 3015 K street NW.
 Cosmos Club, 1520 H street NW.
 Carroll, Mary F., 348 Pennsylvania avenue NW.
 Cannon, James B., 936 Pennsylvania avenue NW.
 Clarke, Michael, 1100 Twenty-first street NW.
 Cannon, William, 1225 Seventh street NW.
 Croghan, Luke J., 717 Fourth street NW.
 Connor, John, 628 New Jersey avenue NW.
 Colton, Bruce M., 304 Indiana avenue NW.
 Collins, William J., 300 Second street SW.
 Cannon, Patrick, 1004 Pennsylvania avenue NW.
 Collins, Patrick J., 1300 Fifth street NW.
 Costley, Louis P., 1310 E street NW.
 Callaghan, Ferdinand W., 625-627 Seventh street NW.
 Cannon, Michael J., 2010 K street NW.
 Cunningham, Thomas J., 2500 I street NW.
 Casey, John, 316 H street NW.
 Crimmins, John P., 1011 C street SE.
 Cohen, Abraham, 414-416 Twelfth street NW.
 Conroy, Bernard, and Peter A. Drury, executors, 1421 and 1421½ P street NW.
 Casey, Aeneas D., 604 Second street NW.
 Crowley, James J., 831 Fourteenth street NW.
 Collins, Maurice J., 1435 H street NE.
 Cochran, Eugene S., Fourteenth and K streets NW.
 Carroll, Robert F., 1427 H street NE.
 Callahan, Robert, jr., Metropolitan Hotel, Pennsylvania avenue.
 Coxen, Millard F., 468 Pennsylvania avenue NW.
 Coale, John H., 243 New Jersey avenue NW.
 Cake, Horace M., manager Hotel Normandie.
 Cox, Frank C., 1492 H street NE.
 Clark, Charles H., 111 Sixth street NW.
 Costello, Jeremiah, 14 G street NW.
 Chamberlain Club, 821 Fifteenth street NW.
 Connell, John J., 318 Fourteenth street NW.
 Curtin, Martin A., 739 North Capitol street.
 Curtin, Katherine C., 3258 M street NW.
 Crowley, John, 731 Third street SW.
 Connors, James F., 345 Pennsylvania avenue NW.
 Century Club, 815 Vermont avenue NW.
 Collier, John W., 3270 M street NW.
 Coldenstroth, George W., 216 Sixth street NW.
 Cook, Patrick J., 3214 M street NW.
 Costello, Walter J., and Jeremiah A., 604-610 G street NW.
 Carley, John T., 1301 Seventh street NW.
 Cullinane, Timothy J., 731 Third street SW.
 Clarke, John J., 502 Delaware avenue SW.
 Cannon, Patrick, 936 Pennsylvania avenue.
 Dugan, John F., 935 Second street SW.
 Daly, Bartholomew, 1318 B street NE.
 Dugan, Jeremiah J., 400 K street NW.
 Danhaki, John, 1370 C street SE.
 Danhaki, Joseph, 52 L street NW.
 Donovan, William J., 1528 Seventh street NW.
 Drury, William M., 1100 Twentieth street NW.
 Daly, Patrick J., 600 Four-and-a-half street SW.
 Daiker, Hermann, 477 H street NW.
 Dahle, Ernest C., 1429 North Capitol street.
 Dunworth, Timothy W., 1002 Pennsylvania avenue NW.
 Dismer, Charles H., 708 K street NW.
 Donahue, Matthew E., 3345 P street NW.
 Dugan, John J., 1200 Eleventh street SE.
 Dittes, Philipp, 900 Four-and-a-half street SW.
 Dietz, Charles, 907 Seventh street NW.
 Driscoll, Daniel F., 107 H street NW.
 Dugan, James S., 719 North Capitol street.
 Diemer, Jacob, 625 D street NW.
 De Atley, John H., 1222 Pennsylvania avenue NW.
 Doody, Daniel, 1304 North Capitol street.
 Downey, Mary A., 326 G street SW.
 Duffy, James A., 802-804 Thirteenth street NE.
 Daly, Patrick E., 1126 Seventh street NW.
 Donovan, Jeremiah H., 2003 Fourteenth street NW.
 Dietz, Elizabeth, 239 New Jersey avenue NW.
 Dean, James P., 1316 E street NW.
 Driscoll, Richard A., 2 G street NW.
 Devine, John T., The Shoreham.
 Dorsey, Michael F., 1213 Seventh street NW.
 Engel, William A., 248 New Jersey avenue NW.
 Ehrmantraut, Joseph B., 1115 E street NW.
 Enright, James, 306 Four-and-a-half street SW.
 Egloff, Leonhard, 200 Third street SE.
 Evans, Roland, 1103 Eighteenth street NW.
 Eckstein, Chas. A., 1412 New York avenue NW.
 Ellier, John, 21 O street NW.
 Eisenbeiss, Harry J., 1416 E street NW.
 Endres, Frank, 1015-1017 I street NW.
 Engels, Chas. E., 415 East Capitol street.
 Farrell, James J., 701 Second street NE.
 Frawley, Michael J., 233 Virginia avenue SW.
 Fischer, Hermann, Twining City, D. C.
 Fegan, Terence, 937-939 Fourth street NW.
 Finlay, Wm. J., 1331 C street SW.
 Flaherty, Bartholomew, 1250 Eleventh street SE.
 Frass, John, east end of Benning Bridge.
 Folliard, Nora, 1101 Fourth street NE.
 Folliard, Edward P., 2229 K street NW.
 Fegan, Joseph, and Martin J. McHugh, 1201 K street NE.
 Felter, Charles T., 511 Seventh street NW.
 Flynn, James D., 516 M street SE.
 Frank, Victor A., 1001 E street NW.
 Fleming, Thomas T., 1530 New Jersey avenue NW.
 Freitag, Henry C., 218 Ninth street NW.
 Flynn, James D., 514-516 M street SE.
 Flannagan, John J., 439 New Jersey avenue SE.
 Fay, Thomas F., 729 Ninth street SW.
 Flaherty, John, 1017 Seventh street NW.
 Fahay, William, 1201 Twentieth street NW.
 Fitzmorris, John, 640 Pennsylvania avenue NW.
 Finucane, Daniel F., 1227 Twentieth street NW.
 Folliard, Thomas, 1228 D street NW.
 Flanagan, Michael A., 1316 E street NW.
 Fox, Mary A., 1743 Pennsylvania avenue NW.
 Fogel, George F., 206 Seventh street SW.
 Frank, Edward J., 711 O street NW.
 Flaherty, Bridget, 1300 Delaware avenue SW.
 Geiger, Anna B., 102-104 Indiana avenue NW.
 Gray, James W., 1313 E street NW.
 Gain, Carl, 1916 M street NW.
 Guggenheim, Simon, 3033 M street NW.
 Groener, George C., 1109 E street NW.
 Gallagher, James, 1205 Thirty-second street NW.
 Gleeson, John A., 335 I street NE.
 Gallagher, John D., 3328 M street NW.
 Ganey, Maurice, 615 Seventh street NW.

Gilmore, Thos. F., 901 Twenty-sixth street NW.
 Graves, Andrew R., 729 Eighth street SE.
 Gordon, John H., 407 Q street NW.
 Grieb, Conrad F., Hotel Montrose, Fourteenth and H streets NW.
 Gates, John H., 1225 Eleventh street SE.
 Grier, William E., 920 Eighth street SE.
 Geyer, Frederick H., 1827 Fourteenth street NW.
 Gardiner, Edward J., 1400 Pennsylvania avenue NW.
 Gaskins & Gaines, 320 Eighth street NW.
 Garrick Club, 1347 E street NW.
 Gerstenberg, Ernst, 1343 E street NW.
 Greene, Michael T., 1301 Seventh street NW.
 Gantz, Geo. M., 1200 D street NW.
 Healey, Dennis J., 921 D street NW.
 Hendricks, Mary A., 1358 H street NE.
 Hauser, William, 1421-1423 H street NE.
 Hennessey, Michael, 216 Ninth street NW.
 Herbel, John, 825 F street NE.
 Huiney, Michael J., 1001 Third street NE.
 Hammer, Kate E., 1343 South Capitol street.
 Heare, Johnson P., 801 D street NW.
 Holmes, James O., 333 Virginia avenue SW.
 Hall, George W., 623 Eighth street SW.
 Hohmann, Frederick, 475 L street NW.
 Hayden, Michael, 315 Fourteenth street NW.
 Hammel, Carl, 2500 G street NW.
 Hettinger, William A., 415 H street NE.
 Hellwig, Charles, 1409 Maryland avenue NE.
 Herr, Karoline, 439 K street NW.
 Heurich, Karl, Wisconsin avenue extended.
 Hogan, Martin, 401 Four-and-a-half street SW.
 Hennige, Henry and Karl, 1300 Sixth street SW.
 Home Club, 1006 E street NW.
 Holmes, Frederick, 636 D street NW.
 Hohmann, John P., 302 Fourteenth street NW.
 Holohan, Martin C., 3400 M street NW.
 Hurdle, Charles H., 329 Pennsylvania avenue NW.
 Hagerty, Frank V., 740 Fifteenth street NW.
 Harten, Hugh, Brightwood avenue.
 Hodges, Louis, 627 E street NW.
 Hall, Henry F. W., 1430 E street NW.
 Hannan, Ellen T., 701 F street SW.
 Haight, Harry S., 1008 E street NW.
 Hoy, Robert, Sixth street and Louisiana avenue NW.
 Hall, Frank P., 1000 Seventh street SW.
 Hense, Wilhelmine, 1031 Eighteenth street NW.
 Hohmann, John C., 3236 M street NW.
 Hiss, J. Frank, 415 Thirteenth street NW.
 Hancock, Andrew W., 1234 Pennsylvania avenue NW.
 Hallinan Michael, 1250 Seventh street NW.
 Higgins, Patrick, 735 Delaware avenue SW.
 Hiss, Benjamin F., 480 Louisiana avenue NW.
 Herzog, Fritz, 2035 K street NW.
 Harvey, William T., 2025 Virginia avenue NW.
 Hofmann, Elizabeth, 409 Ninth street SE.
 Hossler, Catherine, 1017 E street NW.
 Harvey, George W., 1016 Pennsylvania NW.
 Harvey, Hugh F., 2006 I street NW.
 Jolly Fat Men's Club, 933 D street NW.
 Kearney, Luke J., 1811 L street NW.
 Kramm, Gregor, 224 Fourteenth street SW.
 Kellher, Thos. F., 1514 Thirty-second street NW.
 Keane, Maurice, 632 Delaware avenue SW.
 Kessel, John C., 209 Seventh street NW.
 Klotz, Henry E., 1706 G street NW.
 Kenny, John J., 620 Eleventh street SW.
 Kronheim, Jacob, 123 Pennsylvania avenue NW.
 Keyser, Peter L., Eighth and E streets NW.
 Kernan, Eugene, 1014 Pennsylvania avenue NW.
 Kraft, John A., 900 H street SE.
 Kellher, Patrick, 3605 M street NW.
 Kenny, William P., Hotel Gordon, Sixteenth street NW.
 Klausman, William, 310 Sixth street NW.
 Keane, Bernard E., Fifth and K streets NW.
 Kelly, Joseph J., 3294 M street NW.
 Kettner, James D., 719 Four-and-a-half street SW.
 Kennington, J. Patrick, 104 E street SW.
 Kraemer, Charles, 735 Seventh street NW.
 Keady, Dennis T., 3314 M street NW.
 Kelly, Patrick J., 1002 Four-and-a-half street SW.
 Killen, John F., 1314 Wisconsin avenue.
 Loftus, Austin, 302 N street NW.
 Lane, Joseph, 902 First street SE.
 Lynn, Rose A., 482 Pennsylvania avenue NW.
 Lynagh, Peter J., 1200 Third street SW.
 Long, Patrick D., 202 L street NW.
 Leonard, Restie M., 1319 Seventh street NW.
 Loftus, Peter, 1324 D street NW.
 Lynch, John, 404 Ninth street NW.
 Long, Denis J., 215 Pennsylvania avenue NW.
 Lyons, Michael M., 906 Pennsylvania avenue NW.
 Linkins, George E., 101 H street SE.
 Lawler, Jerome B., 2100 E street NW.
 Leonard, James C., 45 Harrison street, Anacostia, D. C.
 Leary, Joseph J., 1134 Twenty-sixth street NW.
 Leech, Michael, 1847 L street NW.
 Linkins, John H., 1258 Water street SW.
 Loffler, Ernst, 1908 Pennsylvania avenue NW.
 Loehl, Adolph, Fifteenth and G streets NW.
 Lewis, John G., 109 Pennsylvania avenue NW.
 Leary, John F., 148 M street SE.
 Lewis, Clifford M., The Richmond, Seventeenth and H streets NW.
 Le Cuyer, Thomas B., 1413 Pennsylvania avenue NW.
 Martin, Bernard J., 1259 Third street SW.
 Morris, John, 1610 U street NW.
 Morris, Michael, 3004 M street NW.
 Morris, William, 301 G street SW.
 Mergner, John E., and Lorenz Mack, 1425 H street NE.
 McInerney, Michael, 1226 Seventh street NW.
 McCarthy, Richard D., 472 K street NW.
 McDonald, Patrick J., 731 H street SE.
 McEwan, Walter, 709 H street SE.
 Mensh, Simon, 456 Louisiana avenue NW.

Metropolitan Club, 1519 to 1523 H street NW.
 Minahan, John J., 301 Q street NW.
 Matthews, Charles, and William F. Braund, 305 Four-and-a-half street SW.
 McMillen, Luther H., 405 Tenth street NW.
 Morgan, Richard W., 1218 Thirty-second street NW.
 Molloy, Joseph, 332 M street SW.
 Mormann, Edwin, 809 Fifth street NW.
 McNamara, Daniel, 522 Eighth street SE.
 McCarthy, James J., 1402 H street NE.
 Miller, John H., and Fred. W., 502 Ninth street NW.
 Massino, Angelo A., and Frank S., 335 Pennsylvania avenue NW.
 Mullany, Dennis, 500 Fourteenth street NW.
 McDevitt, Harry F., 444 N street NW.
 Meenehan, John F., 1338 Fourteenth street NW.
 Mades, Charles, 300 Pennsylvania avenue NW.
 Morgenweck, Lina, 12 Fourth street NE.
 Meehan, Thos. F., 2441 I street NW.
 Mantegari, Constantina, 911 D street NW.
 Meehan, John J., 1203 Pennsylvania avenue NW.
 McGlue, George R., 1706 Pennsylvania avenue NW.
 McInerney, Morgan, 2332 G street NW.
 Meehan, Patrick, 726 Seventh street SW.
 Mannix, Chas., 960 Twenty-sixth street NW.
 Moran, Michael V., 3011 M street NW.
 McGrath, Patrick J., 2700 K street NW.
 Murphy, Katherine, 350 Pennsylvania avenue NW.
 McCarthy, Patrick, 635 L street NW.
 McCarthy, Jas. J., 1402 H street NE.
 Mullin, William J., 407 Ninth street NW.
 McKain, Michael J., 436 L street NW.
 Mahoney, John L., 600 K street SE.
 Mountcastle, George C., Brightwood Hotel, Brightwood, D. C.
 McCann, Hugh, 509 Ninth street NW.
 Manuel, Silas A., New Jersey avenue and C street SE.
 Morgan, James R., 301 Fourteenth street NW.
 McDonald, Martin, 3316 M street NW.
 McHugh, Annie A., 238 Second street NW.
 Mannix, Edward, 3059 M street NW.
 Madden, John J., 1006 Sixth street SW.
 Mills, Harrington, The Grafton, Connecticut avenue.
 Mulroo, Martin, 310 Tenth street NW.
 Magruder, James L., 942 Twenty-second street NW.
 McGuire, J. Charles, 515 Ninth street NW.
 Moore, James R., and John Prileau, 1216 Pennsylvania avenue NW.
 Myerstein, Harry H., 1000 E street NW.
 McGrann, James P., 1704 Pennsylvania avenue.
 McDonald, John J., 1019 Seventh street NW.
 Murphy, Robert P., Hotel Regent, Fifteenth and Pennsylvania avenue.
 McCarthy, Dennis L., 906 D street NW.
 Mulloy, James E., 831 Seventh street NW.
 McCullough, Thomas, 1332 Wisconsin avenue.
 Marshall, Thomas R., 1323 F street NW.
 McErney, Joseph, 643 D street NW.
 Neilgan, Patrick F., 2024 Fourteenth street NW.
 Nesline, John W., 1501 Seventh street NW.
 Nofsinger, Asher H., 807 North Capitol street.
 Nix, Theodore, 1326 Sixth street SW.
 Neuland, William, 727 H street NE.
 Nau, Christina A., 1202 Seventh street NW.
 Nix, Gregor M., 114 H street NW.
 Neuland, Andreas, 719 H street SE.
 Norris, George W., 1200 E street NW.
 Neltzey, George W., 1106 Water street SW.
 Nash, Harry D., Four-and-a-half and K streets SW.
 Noack, August, president, The Shoemaker Co., 1331 G street NW.
 Naughton, Cornelius H., 1926 Fourteenth street NW.
 Nelson, Annie E., 452 D street NW.
 O'Connor, Jeremiah, 113 Four-and-a-half street NW.
 O'Connor, Patrick F., 617 D street NW.
 O'Keefe, Patrick J., 904 Pennsylvania avenue NW.
 O'Connor, Jeremiah E., 1230 Seventh street NW.
 O'Connor, John B., 1500 Seventh street NW.
 O'Connor, Michael, 2626 Pennsylvania avenue NW.
 O'Donnell, James J., 153 H street SE.
 O'Donoghue, Patrick, 908 Fourth street NW.
 Oedekoven, Leo, 801 Thirteenth street NW.
 O'Donoghue, Michael J., 829 Seventh street SW.
 O'Hanlon, Roger & James Murray, 1519 Seventh street NW.
 O'Donoghue, John, 1400 First street NW.
 O'Hanlon, Michael, 1325 Seventh Street NW.
 O'Leary, William J., 733 North Capitol street.
 O'Donnell, Denis J., 443 First street SW.
 O'Connor, Timothy H., 1217 E street NW.
 O'Connor, John J., 1225 E street NW.
 O'Day, John T. & Ward Savage, 444 Ninth street NW.
 O'Brien, John, 537 New Jersey avenue NW.
 O'Keefe, John J., 1124 Seventh street NW.
 O'Brien, Michael T., 1300 H street NE.
 Ockershausen, Christine, 515 Seventh street SW.
 O'Neill, John, 3057 K street NW.
 O'Connor, John J. G., 800 Twenty-sixth street NW.
 O'Hanlon, Patrick, 1230 Seventh street NW.
 Perreard, John M., 1206 E street NW.
 Potter, Charles E., 605 Fifteenth street NW.
 Platt, William, and Theo. Jr., 521 Q street NW.
 Potts, Frederick H., 1003 Seventh street NW.
 Peirce, Frank M., Hotel Vendome, Third street and Pennsylvania avenue NW.
 Portner, Robert, 1453 U street NW.
 Quinn, Edward J., 604 Pennsylvania avenue NW.
 Quigley, Augustus H., 406 Ninth street NW.
 Reuth, John B., 729 Virginia avenue SE.
 Rosenthal, Benjamin E., 247 K street SW.
 Riordan, David, 203 L street NW.
 Regan, John E., 635 H street NE.
 Roth, Martin, 901 A street NE.
 Richardson, James, 218 Twelfth street NW.
 Rice, Edward V., 145 B street SE.
 Roots, James, & Myer Fischer, New Jersey avenue and C street NW.
 Rickles, John, 300 Sixth street NW.
 Ryan, Jack M., 619 B street NW.
 Reiter, Henry, 306 Sixth street NW.

Ryan, Richard, 1202 Second street SW.
 Reagan, Catherine, 945 B street NW.
 Rafafy, Patrick, 1101 C street NE.
 Riordan, Patrick, 1355 Four and a half street SW.
 Raftery, Thomas and Michael, 234 C street NE.
 Riordan, D. Emmett, 225 Seventh street SW.
 Ruppert, Matthew F., 1303 Seventh street NW.
 Rupertus, J. Frederick, 1418 P street NW.
 Ruppert, Ernest C. E., 1716 Pennsylvania avenue NW.
 Reed, Owen E., 2401 I street NW.
 Roche, Margaret, 1009 Eleventh street SE.
 Roche, Edward V., 304 Fourteenth street NW.
 Ryan, William, 221 Third street SW.
 Reed, George F., 929 Twenty-second street NW.
 Rafferty, Nora, 100 F street NW.
 Reid, Henry W., 600 North Capitol street.
 Roessler, Frederick, 483 C street NW.
 Roche, Philip J., 1335 E street NW.
 Rosenfield, Aaron, 417 Eleventh street NW.
 Roddy, Bartholomew, 1001 C street NW.
 Reed, Mary A., 3300 M street NW.
 Roche, James J., 603 B street NW.
 Reuter, Frederick W., Pennsylvania avenue and John Marshall place.
 Smyth, Patrick, 101 D street SW.
 Shea, James, 333 Pennsylvania avenue NW.
 Schleuter, William H., 930 Fifth street NW.
 Scott, Charles W., 631 Pennsylvania avenue SE.
 Stevens, James, 430 Eighth street NW.
 Smith, Rodney N., 520 Four-and-a-half street SW.
 Simi, Lorenzo, 1289 New Jersey avenue SE.
 Schlosser, John G., 661 Pennsylvania avenue SE.
 Sheehan, Maurice J., 736 Second street NE.
 Sullivan, John J., 1331 Thirty-fifth street NW.
 Sullivan, Daniel F., 1400 North Capitol street.
 Sheehan, John J., 304 Q street NW.
 Savoy, Walter, and Sheddick D. Brown, 18 C street NW.
 Schwarz, August, 827 Seventh street NW.
 Stack, John, 201 G street NW.
 Staples, Oren G., National Hotel.
 Sheehan, John P., 701 North Capitol street.
 Sullivan, Florence A., 1016 First street NE.
 Solon, Frank J., Benning, D. C.
 Shelton, Charles F., 202 Third street SE.
 Stoner, Theodore G., 605 Pennsylvania avenue NW.
 Stern, Meyer N., 601 Seventh street NW.
 Scanlon, Michael B., 408 Ninth street NW.
 Sweeney, Eugene F., 900 Half street SE.
 Sullivan, Katherine B., 314 C street NE.
 Stewart, Samuel G., 1141 Seventh street NW.
 Sparta Club, 340 Pennsylvania avenue NW.
 Scnebel, Louis, 533 Eighth street SE.
 Schlotterbeck, John, 800 L street SE.
 Schladt, Joseph, 1236 Thirty-second street NW.
 Schultz, Mary T., 607 G street NW.
 Sullivan, Mary, 73 I street SE.
 Snock, Robert N., 709 D street NW.
 Schriner, John F., 730 Fourteenth street NW.
 Sullivan, Catherine, 726 Second street NW.
 Schmidt, Louis, 702 Seventh street NW.
 Schneider, Martin, Eighth and L streets SE.
 Sullivan, John J., 206 Ninth street NW.
 Schubert, Martin, 502 Delaware avenue SW.
 Sullivan, Thomas F., 472 Pennsylvania avenue NW.
 Schroeter, Conrad, 3326 M street NW.
 Scanlon, Daniel, 201 K street NW.
 Smith, George E., The Cairo, Q street NW.
 Savage, Edward H., 107 G street NW.
 Stewart, Samuel, 311 Pennsylvania avenue NW.
 Stephan, David, manager, Stoneleigh Court, Connecticut avenue NW.
 South Washington Business Men's Bowling Club, 902 Four-and-a-half street SW.
 Sullivan, Cornelius, 613 I street SW.
 Stonestreet, Francis X., 1213 Pennsylvania avenue NW.
 Solomon, Samuel, 639 D street SW.
 Sparrough, Henry M., 421 Tenth street NW.
 Sweeney, John F., 1749 E street NW.
 Seitz, Christian, 610 Louisiana avenue NW.
 Sharp's, James, Sons, 812 F street NW.
 Trant, John M., 200 E street SW.
 Trometer, Peter, 907 Twenty-first street NW.
 Toussaint, Otto, 1249 Seventh street NW.
 Thurm, Gustav A., Goodhope, D. C.
 Thomas, James E., steward, Baltimore and Potomac station.
 Taylor, William C., 212 Ninth street NW.
 Talty, Theobald J., manager, The Raleigh, Pennsylvania avenue NW.
 Taylor, Peter, jr., manager, The Arlington, Vermont Avenue NW.
 Utterback, Ernest, 3285 M street NW.
 University Club, 930 Sixteenth street NW.
 Villa Flora Club, Brightwood, D. C.
 Voigt, Therse, 809 Seventh street NW.
 Van Riswick, Leander, 118 First street NW.
 Vonderheide, William J., 604 Ninth street NW.
 Wagner, Emil, 210 Ninth street NW.
 Wardell, James W., 3603 M street NW.
 Woodbury, Levi, St. James Hotel.
 Washington Jockey Club, Bennings Race Track.
 Willers, William, 1226 Pennsylvania avenue NW.
 Widmayer, John J., 483 Pennsylvania avenue NW.
 Wassman, Henry, 737 Seventh street NW.
 Walter, Theodore, 237 New Jersey avenue NW.
 Washington Saengerbund, 314 C street NW.
 Walsh, Edmund E., 309 G street NW.
 Warner, Benjamin F., 1219 E street NW.
 Willard, Henry A., the Occidental, 1411 Pennsylvania avenue NW.
 Winston, John, 200 B street NW.
 Walsh, Thomas, 407 Tenth street NW.
 Walsh, Patrick, 233 Four-and-a-half street SW.
 Welch, Thomas D., 241 C street SW.
 Wright, Irving M., 211 Seventh street NW.
 Wineview Pleasure Club, Brentwood Road, D. C.
 Xander, Henry, 103 H street NW.
 Xander, Albert, and August H. Plugge, 1317 Seventh street NW.
 Xander, Karl, 1530 Seventh street NW.

Zimmerman, William C., 507 Q street NW.
 Zwissler, Leo F., 942 Louisiana avenue.
 Ziemann, Lizzie W., 531 Tenth street.

The VICE-PRESIDENT. What disposition does the Senator from South Carolina desire made of his resolution?

Mr. TILLMAN. If I can get it passed I shall be very glad, but I did not know the resolution was up. It is not up under the rules, but if the Senate will give unanimous consent to have the resolution laid before the Senate and passed I shall be very glad.

Mr. KEAN. Let us have the regular order.

Mr. TILLMAN. I knew the resolution would not be allowed to be voted upon.

Mr. SCOTT obtained the floor.

Mr. CARTER. Mr. President, I ask the Senator to yield to me.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. SCOTT. I yield to the Senator for a moment.

Mr. CARTER. Mr. President, the subject to which the Senator from South Carolina [Mr. TILLMAN] has addressed himself has been twice disposed of by the Senate. For the purpose of having the entire record upon which the Senate acted appear in the proceedings of the Senate I ask that the record from which the injunction of secrecy has been removed be published in the CONGRESSIONAL RECORD.

Mr. TILLMAN. I join the Senator in asking that it be printed in the CONGRESSIONAL RECORD and as a document, too.

Mr. CARTER. I will say to the Senator that this embraces the letter read in the course of executive session from Mr. Barnes and also a letter from Mrs. Morris to the President, dated March 5, 1905.

The VICE-PRESIDENT. Without objection, the document will be printed in the RECORD.

The matter referred to is as follows:

[Executive Document No. 6, Fifty-ninth Congress, first session.]

[Nomination of Benjamin F. Barnes to be postmaster at Washington, D. C.]

MAJORITY REPORT.

WASHINGTON, D. C., April 21, 1906.

Hon. BOIES PENROSE,

Chairman Committee on Post-Offices and Post-Roads,
 United States Senate.

SIR: A majority of the subcommittee to whom was referred the nomination of Benjamin F. Barnes for postmaster at Washington, D. C., having had the case under consideration, respectfully report as follows:

That on the date therein stated Senator TILLMAN filed with the subcommittee the only charge presented against the nominee, which charge is hereunto annexed, marked "No. 1."

Thereafter, properly taking notice of a question raised by current rumor concerning the citizenship of the appointee and his alleged connection with the removal of Mrs. Minor Morris from the Executive Office, Mr. CULBERSON addressed to the chairman of the subcommittee a letter bearing upon the points indicated, which letter is hereunto attached, marked "No. 2."

The foregoing letter having been referred to Mr. Barnes, that gentleman promptly delivered to the subcommittee his answer in writing, which is hereunto annexed, marked "No. 3."

Upon inquiry Mr. BURROWS, of the subcommittee, ascertained that the President of the United States had promptly after the Morris incident, caused an investigation to be made concerning the same, the results of which investigation are herewith filed. These exhibits consist of:

A statement by E. E. Palne, a representative of the Associated Press, who was present and witnessed the occurrences preceding, incident to, and following the removal of Mrs. Morris from the White House on January 4, 1906, about 1.30 p. m. The Palne statement is marked "No. 4."

A statement by John Hans, an usher, marked "No. 5."

A statement by Jacob P. Frech, a private of the Metropolitan police force; statement of C. H. Murphy, a private of the Metropolitan police force; statement of Private A. E. Brown, of the Metropolitan police force; statement of Acting Sergt. John Gallaher, superintendent of the house of detention; statement of Mrs. Marilla Thornburgh, matron at the house of detention; statement of W. B. Edmonston, guard at the house of detention; statement of J. S. Wall, M. D., surgeon, police and fire departments; statement of W. Thompson Burch, M. D., surgeon, police and fire departments; statement of Private J. M. Bramlett. All of these statements, bound together, are marked "No. 6."

Additional statements by Privates Brown, Murphy, and Frech, of the Metropolitan police force, and also a statement by Mr. Charles Haas, doing business in the Kellogg Building with John S. Blair, esq., are bound together and marked "No. 7."

Statement of Secret Service Agent James Sloan, jr., marked "No. 8."

Statement of Secret Service Agent Stephen A. Connell, "No. 9."

Statement of Sergt. R. Bryan, of the Metropolitan police force, "No. 10."

Statement of Richard Sylvester, major and superintendent of police, "No. 11."

Letter of Major Sylvester to William Loeb, jr., "No. 12."

Statement of H. Bascom Weaver, M. D., "No. 13."

Copy of a poem by Mrs. Morris sent to the President, "No. 13 1/2."

Letter of Minor Morris to the President of the United States, marked "No. 14."

Letter of William Loeb, jr., Secretary to the President, to Minor Morris, "No. 15."

Letter of Mrs. Morris to the President, "No. 16."

Statement by A. H. Feathers, messenger, "No. 17."

Statement by Stone, chief usher, "No. 18."

Statement of John H. Stokes and also statement of George Gray Knowles, of the Portner Flats, "No. 19."

Letter of Gifford Pinchot, "No. 20."

Memorandum of statement of Mr. Price, of the Washington Star, marked "No. 21."

Letter of Richard Sylvester, major and superintendent, to the President, "No. 22."

Memorandum of arrests made at divers time at the White House, marked "No. 23."

Statement of J. Ellen Foster, "No. 24."

In addition to the foregoing, the subcommittee examined Richard Sylvester, major and superintendent of the Metropolitan police, with reference to the relations of the officers to the preservation of order and the protection of persons and property in and about the White House buildings and premises.

Being informed by Mr. TILLMAN that Mrs. Minor Morris was in the city and desirous of being heard, the subcommittee met at 10.30 on Saturday morning, the 21st instant, in the room of the Committee on Post-Offices and Post-Roads, having notified Mr. TILLMAN that the statement of Mrs. Morris would be heard at that place and time.

Mr. TILLMAN declined to have Mrs. Morris appear to make a statement before the subcommittee, alleging that it was his desire that she be heard by the full committee or else that a stenographer should be present to take down her testimony, if given.

Mr. TILLMAN did not file any statement, nor did any witnesses appear to support the allegations he had made. He informed the subcommittee that his witnesses would not appear unless compelled to do so through proper process.

The subcommittee is therefore called upon to report the case on the records hereinbefore referred to, supplemented by the oral statement of Major Sylvester.

From these statements it appears that on Thursday, January 4, about 1 p. m., Mrs. Minor Morris entered the Executive Offices west of the White House and went to the doorkeeper stationed at Secretary Loeb's door, presented a card, and then sat down in the office. Mr. Loeb, Secretary to the President, being engaged with him at that time, Mr. Barnes, the Assistant Secretary, promptly appeared and entered into conversation with Mrs. Morris. She reluctantly disclosed to him her business, finally announcing that her husband had been discharged from some position in the War Department some time in the past and she wanted to see the President in regard to his restoration. Mr. Barnes, in a moderate and respectful way, advised her that that would be impossible, that she must see the Secretary of War in regard to the matter. She thereupon became somewhat excited, and in a very decisive tone of voice said: "I have come here to see the President, and I will remain a month but what I see him." After some further remark, which was not overheard, Mr. Barnes returned to his office and remained therein for some minutes. When he appeared Mrs. Morris was pacing up and down the room, evidently much agitated and muttering to herself.

The conversation with Mr. Barnes was resumed, and in reply to his statement that it would be impossible for her to see the President she became very much excited and insisted she would see him before she left the building. Thereupon Mr. Barnes advised her that she must leave the building without seeing the President, and upon her refusal to do so he requested Officer Frech, who was standing by, to see that she did leave the building. The officer requested her quietly, three different times, to leave the office without creating a scene, but she grew more and more excited, and finally began to scream and dared anyone to lay hands upon her. At this time her screams could be heard throughout the building, and the officers at once led her from the room and outside of the front door. Officer Murphy was then called, and inquired if it was the desire to arrest the woman, to which Officer Frech replied, "Yes." Thereupon she was taken into custody by Officers Frech and Murphy, of the Metropolitan police force. She almost immediately threw herself upon the ground, having previously notified the officers that they would be compelled to drag her. Officer Murphy says that he thought she was an insane person, from her wild and violent demonstrations.

The facts as herein stated are substantially corroborated by all the persons who were present during the transaction. The first interview between Barnes and Mrs. Morris was not attended by the violent demonstration and loud and boisterous talk which characterized Mrs. Morris at the second interview. She became agitated after the first interview, but confined her actions during the time of Mr. Barnes's absence to walking up and down the floor in an agitated manner. Her loud declamation during the second interview must have challenged the attention of persons in the adjoining room, and all those who are alleged to have been thus attracted seem to concur in the statement that she was violent and demonstrative and loud-voiced while being led from the room.

The subcommittee is agreed upon the following propositions to wit:

1. That Mr. Barnes was acting clearly within legitimate authority—yes, imperative duty—in declining to recognize the imperative demand of Mrs. Morris to see the President regardless of his engagements.

2. That it was the duty of Mr. Barnes, as well as the duty of other officers present, to preserve order within the Executive Offices and to eject obstreperous and disorderly persons therefrom.

3. That when Mrs. Morris absolutely refused to leave the premises, and by boisterous language and excited demonstration was disturbing peace and good order, Mr. Barnes was justified in requesting the officers present to remove her from the building.

4. That Officers Frech and Sloan used only such force as was unavoidably necessary to remove her from the room or to accomplish that object.

5. That when outside of the building Officers Frech and Murphy were under laws, rules, and regulations of the Metropolitan police department of the city of Washington and not under the control of Mr. Barnes.

6. That having made the arrest, the officers named were bound by the rules and regulations of the police department to use all necessary force to maintain the arrest, and the officers themselves were the judges of the force necessary to accomplish that end, subject only to accountability to their superiors in the police department. In our judgment, Mr. Barnes's relation to this incident must be judged wholly and solely upon what occurred within the Executive Offices, and as to such occurrences there is in our opinion no material conflict between the statements submitted and the published statements of the newspaper correspondent who was in the room only at the end of the scene.

7. That Mr. Barnes is a citizen of the United States and has been an actual resident of the District of Columbia since 1892, although he returns to New Jersey to vote, having merely a voting residence in that State.

Nothing appears in the record before the subcommittee tending in any manner to reflect upon the moral character, the integrity, or the ability of Mr. Barnes to efficiently discharge the duties of the office of postmaster.

Respectfully submitted,

THOS. H. CARTER.
J. C. BURROWS.

No. 1.

UNITED STATES SENATE,
Washington, D. C., April 13, 1906.

HON. THOMAS H. CARTER,
Chairman of Subcommittee on Post-Offices and

Post-Roads, United States Senate.

SIR: I hereby notify you that I desire to protest against the confirmation of Benjamin F. Barnes as postmaster for the city of Washington, and ask permission to appear before the committee with witnesses, whose names are hereto annexed, to prove the following charges, showing Mr. Barnes's unfitness for the office:

1. That Mr. Barnes is lacking in gentlemanly and manly consideration for ladies, which caused him to abuse his authority so far as to order the expulsion from the Executive Offices of Mrs. Minor Morris on January 4, 1906, without any justification or good reason therefor.

2. That having issued the order he stood by and saw it executed in a most brutal and outrageous manner without interference, compelling the policemen to drag and finally, with the aid of a negro employed at the White House, to carry her, with the negro holding her by the ankles and with her limbs exposed, the entire distance from the Executive Offices, at the western end of the White House, to the eastern exit, where she was thrust into a cab and sent to the house of detention, by which brutal treatment her life was endangered and health seriously impaired from shock and injuries received.

3. That after this tyrannical and outrageous abuse of his authority he lodged charges of insanity against Mrs. Morris and compelled her to remain in prison for more than four hours, thus adding insult to injury and producing in the public mind impressions derogatory to both her reputation and her mental condition.

4. That he made a statement to the press which was full of falsehoods and which proves him to be lacking in that integrity and high character which a high Government official should have.

The following are the witnesses I would like to have examined:

- (1) Mr. Walter E. Clark, 1417 G street, Washington, D. C.
- (2) Mr. Robert H. Hazard, 501 Fourteenth street, Washington, D. C.
- (3) Mr. I. C. Norwood, the Star office, Washington, D. C.
- (4) Mr. James H. Price, the Times office, Washington, D. C.
- (5) Mr. Henry C. Biggs, New York World office, Washington, D. C.
- (6) Mr. Elmer E. Payne, Associated Press, Washington, D. C.
- (7) Mr. Jules Guthridge, 1713 Riggs place, Washington, D. C.

Very respectfully, yours,

B. R. TILLMAN.

No. 2.

UNITED STATES SENATE,
Washington, D. C., April 20, 1906.

HON. THOS. H. CARTER,
Chairman Subcommittee.

DEAR SENATOR: Referring to the proposed inquiry by the subcommittee in the matter of the nomination of Mr. B. F. Barnes to be postmaster of this city, I beg to ask that you secure a written statement from Mr. Barnes, or have him appear before the subcommittee, on the following points:

1. The place of his birth and the nationality and citizenship of his parents at that time.

2. His present legal residence and such residence for the past ten years.

3. A full statement by him of the occurrences at the Executive Offices when Mrs. Minor Morris was removed therefrom.

4. Whether in causing her removal he was acting under general or specific instructions, and in either case give the substance of the instructions and by whom they were issued.

Very truly, yours,

C. A. CULBERSON.

No. 3.

THE WHITE HOUSE,
Washington, April 20, 1906.

MY DEAR SENATOR CARTER: Replying to your note of the 20th instant in connection with the proposed inquiry by the subcommittee of the Senate Committee on Post-Offices and Post-Roads into the matter of my nomination to be postmaster of Washington:

(1) I was born at Yarmouth, Nova Scotia, December 3, 1868. My father was born in the State of New York, my mother in the State of Maine. Their ancestors, back to a time preceding the Revolution, were natives of either New York or Massachusetts. My father was temporarily engaged in business in Nova Scotia at the time of my birth, and my parents remained there until I was about 7 years old, when they returned to the United States, going to New Jersey, where my father lived until the time of his death, in 1891. My parents never at any time relinquished their American citizenship nor took the slightest step in that direction.

(2) My present legal residence is in the State of New Jersey, and that has been my legal residence ever since I was old enough to vote. I desire to add that I have had no other ties in New Jersey since 1892, when the surviving members of my family removed to Washington, where they now reside.

(3) Mrs. Minor Morris called at the Executive Office on January 4, 1906, at about 1 o'clock, and asked to be allowed to see the President. At the time Secretary Loeb was engaged with the President, and I saw her. Upon inquiry as to the nature of her business she stated with considerable reluctance that her husband had been unjustly dismissed from a branch of the War Department; that she did not propose to have anything to do with the Secretary of War concerning it, but that she wanted the President to take it up and see that justice was done. She was informed that the President could not give personal attention to such a matter and that the decision of the Secretary of War would be final. She insisted that she must see the President, and when told that that was out of the question she asserted in boisterous manner that she would not be prevented from seeing him and that she would remain where she was for a month, if need be, unless she saw him sooner. She was allowed to remain for some moments. When I returned to the reception room shortly after, I found her pacing excitedly up and down the room, and informed her as quietly as possible that she could not see the President and that it

would be useless for her to remain longer. She replied in a loud voice that she would see him and that she would stay there until she did. She was then advised to drop the matter and to go away quietly. This, in still louder tones, she refused to do.

She was then told that she must either leave the office at once voluntarily or it would be necessary to have her put out of the building. At this she shrieked at the top of her voice: "I will not be put out," rushed to a chair, threw herself into it and shouted: "Don't you have any hands laid on me; I am going to stay here until I see the President." Mrs. Morris's piercing shrieks were heard throughout the building and it became necessary in the interest of order to have her removed. She was accordingly taken in charge by a police officer who had witnessed the whole affair. He asked her to go with him quietly. She refused, and told him that if she was removed she would have to be dragged every step of the way. Before applying force the officer asked her three times to leave the office quietly. She shrieked her refusal to each request and was then led from the room. She struggled violently with two officers (all the way from the office building to the eastern entrance of the White House). As soon as she was outside of the office building she threw herself on the ground and it became necessary to carry her.

The above facts, with the exception of the part in parenthesis, came under my personal observation. They were made public by the Executive Office in my name on the next morning, together with the following statements, based on the first reports of the police officers who took part in the affair:

"The officers repeatedly asked her to stand up and walk quietly with them so that they would not have to use force, but she refused to do so and defied them in shrieks that were heard throughout the White House. She was finally removed to police headquarters, where she was charged with disorderly conduct. After her arrest she produced an envelope addressed to the President, which she asked to have delivered to him. This envelope was found to contain a lengthy poem on the subject of insomnia, which she said was her own composition. She stated to the officers that she had not slept for seven nights past. There is no truth whatever in the statement made by many of the papers that a negro laid hold of Mrs. Morris and assisted in carrying her. One of the colored messengers of the office followed the policemen and gathered up such small articles as were dropped in the woman's struggles; but here was no other foundation whatever for the statement."

It will be noticed that the last two sentences are somewhat at variance with statements made later by Officers Frech and Murphy to Major Sylvester and recently submitted to your committee through Senator BURNOWS. These officers explained to me afterwards that their attention had been so fully occupied by Mrs. Morris herself at the time that they had had little if any opportunity for accurate observation of any other features of the matter.

(4) In causing Mrs. Morris's removal from the Executive Office I acted under general instructions. I know you will appreciate the difficulty of stating specifically the substance of the instructions and by whom issued when I say that the reception and disposition of callers has been a part of my duties for four or five years, and that during that time cases of eccentricity, dementia, and insanity of various degrees had been encountered by me almost every day among the callers at the Executive Office. My general instructions were necessarily made up from innumerable experiences and countless directions given from time to time by the two Secretaries to the President under whom I have served in such capacity.

Very truly, yours,

B. F. BARNES.

HON. THOMAS H. CARTER,
Committee on Post-Offices and Post-Roads,
United States Senate.

No. 34.

THE WHITE HOUSE,
Washington, June 7, 1906.

MY DEAR SENATOR CARTER: In view of several stories which have been published tending to discredit a written statement made by Doctor Weaver, of Asheville, N. C., concerning Mrs. Minor Morris, the last of which stories appeared yesterday, I have thought it might be well to advise you that the information contained in Doctor Weaver's letter (which was sent by the President to your committee some time ago, with numerous other papers in connection with the subject of my nomination to be postmaster at Washington) was volunteered through Mr. Rollins, chairman of the Republican State committee of North Carolina, who called at the Executive Office, told of Doctor Weaver's experience with Mrs. Morris, and said that he would be glad to furnish a statement from Doctor Weaver concerning the matter, if desired; that several days later it was decided to ask Mr. Rollins for such statement, and it was promptly furnished.

I understand that some importance is attached by Senator CULBERSON, of the subcommittee which considered my nomination, to the fact that I have made no answer to the accusation that I lodged or had lodged a charge of insanity against Mrs. Minor Morris. No answer has been made by me for the reason that I have not attempted to answer any of the charges in connection with the Morris incident, and have had no occasion to do so, except in so far as the questions asked by Senator CULBERSON, in his letter to you of April 20, 1906, related to those charges. The basis for this accusation was merely one of a large number of falsehoods which have been published by certain newspapers from time to time, concerning what is known as the "Morris incident," and I have heretofore seen no more reason for answering to it than to any other of their numerous misstatements. Inasmuch as I now understand that Senator CULBERSON attaches weight to the absence of any statement from me on this point (although no reference whatever was made to it in his letter), I will say that I lodged no charge of insanity against Mrs. Morris, and that I had nothing whatever to do with the lodging of any charge of any kind against her.

Very truly, yours,

B. F. BARNES.

HON. THOMAS H. CARTER,
Committee on Post-Offices and Post-Roads,
United States Senate.

No. 4.

[Memorandum for the President.]

UNITED STATES SENATE,
Washington, D. C.

Re the incident of Mrs. Minor Morris.

About 1 o'clock on the afternoon of Thursday, January 4, 1906, a distressing scene was enacted in and near the Executive Offices of the

White House. A woman of mature years—a lady in appearance—was ejected forcibly from the offices and subsequently was taken to the house of detention. Investigation afterwards disclosed certain facts concerning her.

She was Mrs. Minor Morris, a woman 50 years of age, and the wife of Dr. Minor Morris, who some time ago was separated from his employment by the Government. He had been connected with the Army Medical Museum, and his services had been dispensed with for reasons of which I have no knowledge.

Mrs. Morris, who was gowned handsomely and was a woman of impressive appearance, entered the Executive Offices of the White House just about 1 o'clock p. m. It happened that I was conversing with a friend in the reception room of the Executive building at the moment of her entrance. Being a woman of somewhat striking appearance, Mrs. Morris drew the attention of the gentleman with whom I was talking, and he asked me if I knew who she was.

Then for the first time I noted her particularly. She had asked to see Secretary Loeb, and when directed to Mr. Loeb's doorkeeper had given him her card with a request for a brief interview. The doorkeeper took the card into Secretary Loeb's office. A few minutes later he returned to the reception room and communicated some response to her. She turned from the doorkeeper and began restlessly to pace up and down the reception room. She appeared to me to be laboring under some suppressed excitement, but at the moment, although I was sitting so that I looked in her general direction, I paid little heed to her. I attributed her evident nervousness, without thinking very much about it, to the feeling many people have who come to the White House for the first time.

In a few minutes Mr. Barnes, Secretary Loeb's first assistant, came out of Mr. Loeb's office and asked the doorkeeper for Mrs. Morris. I paid very little attention to the conversation—none at all, in fact—as it happens several times every day that Mr. Barnes is requested by Secretary Loeb to see callers whom he can not see by reason of pressure of business.

My recollection is that after Mr. Barnes had talked briefly to Mrs. Morris he returned to Secretary Loeb's office, and that, meantime, Mrs. Morris continued to pace nervously up and down the reception room.

At any rate, Mr. Barnes resumed his conversation with Mrs. Morris in a brief time. Both he and she were very earnest in their talk. Evidently in response to a request that she be accorded an interview with the President, Mr. Barnes—I happened to overhear—informed her that she could not see the President on that matter; that he had nothing to do with it, as it related to a departmental question, about which she would have to see the Secretary—what Secretary I did not know at that moment.

Mrs. Morris's response instantly attracted my attention to her particularly. She declared in a loud tone—almost, if not quite, loud enough to be heard in the office of the President—that she had come to the White House to see the President and proposed to see him, even if she had to camp out there a month. Her tone of voice and manner drew the attention of the three or four people in the reception room. Mrs. Morris and Mr. Barnes were standing at the time near the table in the center of the room, on the side nearest to the fireplace. Officer Frech, one of the doorkeepers, evidently noting the manner of Mrs. Morris, moved from the door to a point near the table.

Realizing that a scene probably was impending, I paid close heed to that which followed. Although I was within 12 or 15 feet of Mrs. Morris and Mr. Barnes, I could not distinguish all that he said. He spoke with evident firmness, but in a low tone of voice. I did hear him say, however, that such an interview as Mrs. Morris desired with the President was not possible of arrangement. He reminded her, too, that she was making a scene, and begged her not to pursue the matter further. Following a further insistence by Mrs. Morris that she be permitted to talk to the President, Mr. Barnes requested her to leave the offices, assuring her again that she could not see the President.

At this Mrs. Morris became perfectly white. I thought it was the whiteness of anger, for, as I viewed her, she had manifested no symptoms of insanity. She declared that she would not leave the Executive Office; that it was a public building and she had a right to be there; and she dared Mr. Barnes or anybody else to try to make her leave.

Her tone of voice at this time was loud, and she was making, both in manner and tone, an ugly scene. Officer Frech approached her, and, leaning toward her, admonished her to be quiet. Turning on him, Mrs. Morris exclaimed: "Don't touch me. I'll sit down, but I won't go away."

Although Officer Frech, up to this time, had not attempted to lay hands on her, Mrs. Morris backed away and finally sat down in a chair on the west side of the room, near the entrance to the clerical office. She continued to talk and gesticulate. Officer Frech approached her and requested her to leave the office. As he leaned toward her she cried, in a loud tone:

"Don't you touch me; don't you dare to touch me. I'm 50 years old, and I never had an officer's hands laid on me. I want to see the President—that is all."

Officer Frech tried to induce her to leave the room, but as she refused to move from the chair in which she was sitting he took her by the left arm.

Mrs. Morris is a woman of generous build, and it would not be an easy matter to move her if she resisted. She weighs, I should say, about 170 pounds, although, of course, my opinion is a mere guess.

As Officer Frech could not induce her quietly to leave the Executive Office, James Sloan, one of the secret-service operatives stationed at the White House, stepped forward, and together they took hold of Mrs. Morris, practically lifted her from the chair and urged her forcibly toward the door. Then it was that Mrs. Morris began to scream. She hung back and gave both officers serious trouble in getting her to the door. She screamed so loud that her cries could be heard all over the Executive Offices. She kicked at the officers, tried to get her arms loose in an effort to strike, and seemed to be trying to bite at their hands.

The scene was a most distressing one. Mrs. Morris cried as she was carried through the door: "Oh, my God, will nobody help me?"

The plaza in front of the Executive Offices was wet and muddy. After the officers had gotten Mrs. Morris outside of the doors and perhaps 15 feet from the entrance, Sloan relinquished his hold, his place being taken by a police officer stationed outside.

Until this time Mrs. Morris had remained on her feet, resisting the officers with all her strength. Finally, however, she dropped to the pavement. In a sitting posture, refusing to go farther. Thereupon the officers picked her up bodily and carried her along the driveway which leads under the porte-cochère of the White House. Seemingly they did their best to protect her clothing from the mud and water, but, in the circumstances, that was not entirely possible.

I did not see Mrs. Morris afterwards, not being present when she was put into the cab and sent to the house of detention.

As to her ejection from the Executive Office, I am quite sure that no more force was used than was absolutely necessary. Had a man acted as she acted, he would have been treated, probably, summarily. I did not hear Mr. Barnes order her put out of the offices. My opinion is that she ought to have been released when the officers got her outside of the entrance to the offices; but I understand that the police regulations provide for the action of officers in such cases, and had they released her they would have laid themselves liable to a suit for assault, once having placed their hands upon her.

Mr. Barnes did all that he could have been expected to do to avert a scene. He treated Mrs. Morris in a quiet and dignified manner, time and again urging her not to make any trouble. He might have permitted her to retain her seat in the Executive Office reception room, but, in my judgment, his action in that regard was purely a matter of opinion. He thought Mrs. Morris was insane, as I have learned since, and her action and manner, it is only just to say, probably warranted such an assumption on his part.

Very respectfully submitted.

E. E. PAINE.

The President.

No. 5.

Statement of John Hans.

On Thursday, January 4, 1906, Mrs. Morris entered the lobby of the Executive Office and handed me her card, and at the same time asked me if she could see the President's Secretary. I then took her card in to him. He told me to have Secretary Barnes see her. After I'd given Secretary Barnes her card I went out in the lobby and I had another card in my hand, and Mrs. Morris asked me why I didn't give her card to the Secretary. I said, "Madam, the Secretary has your card," and then she said to me, "I beg your pardon," and I walked away.

Secretary Barnes sees Mrs. Morris and tells her Secretary Loeb is busy and asked him to see her, and then he asked her what she wanted. I didn't hear what she had to say, with the exception of hearing a few words now and then. I heard Mrs. Morris say something about reinstatement, and Secretary Barnes told her the President could do nothing for her, and referred her to the Secretary of War. Secretary Barnes got up then and said something to Mrs. Morris, which I did not hear, but I did hear him address her as "madam," and she said, "You need not call me madam, as I am going to see the President if I have to wait a month." In a loud and boisterous tone and manner.

As Secretary Barnes was leaving she yelled out, "You people in politics have run this thing long enough." She stayed, sitting a moment or two, then got up and walked across the floor several times, muttering something which I could not hear, and while she was walking Secretary Barnes came out in the lobby to talk to a gentleman by the name of Mr. Corbett, and when Secretary Barnes finished speaking to Mr. Corbett he then spoke to Mrs. Morris in a gentle way, telling her it would be impossible for her to see the President, and that she would have to leave the building. She then said to him, "You don't say so. If I do not see him to-day I will come back to-morrow, the next day, and the next day, until I do see him," in a loud tone, so that it could be heard throughout the building.

Then Officer Frech walked over to her and spoke to her in a very gentle manner, asking her to leave the building. He then asked her twice after that, and then she walked over and threw herself down in a chair. She then said, "I won't leave this building," and commenced fighting the officer, and saying in a loud tone that she was 50 years old and no one ever laid a hand on her. And then Officer Frech asked her to go along with him, which she refused to do. He then forced her out of the seat, with the assistance of Secret Service Officer Sloan. And in the meantime I had opened the doors so they could take her out. When she reached the pavement which leads to the laundry and the kitchen of the White House, she threw herself on the ground and had to be carried.

No. 6.

WASHINGTON, D. C., January 13, 1906.

Statement made by Private Jacob P. Frech, of the Metropolitan police force, District of Columbia, to the major and superintendent of police, after being duly sworn.

Well, this happened January 4, about 1.30 p. m. Mrs. Morris came to the White House office door and asked to see the Secretary. I directed her to the doorkeeper of the Secretary's room, and a few minutes afterwards Mr. Barnes waited on her. The conversation between them I could not hear, only after a while I heard her say she demanded an interview with the President. I was in the same room with her. The doorkeeper to the Secretary, a newspaper man by the name of Paine, two or three men who were strangers, and Messrs. Connell and Sloan, secret-service men, were in the same room—not in Mr. Barnes's room, but in the lobby. Mr. Barnes said something else. I could not hear what he said on account of the low voice Mr. Barnes was speaking in. I then heard her say she demanded an interview with the President. She said it a little louder than she had before. Mr. Barnes told her she could not have an interview with the President. She said, "I will have an interview with the President, and I will stay until I do have it if it takes a month." Then Mr. Connell got on the right-hand side of her and Mr. Sloan on the left, standing against the Secretary's door. Mr. Barnes said something else I could not hear—I had stepped within a few feet of them, too, but I could not hear it. She said, "I demand an interview with the President. If I can not see him to-day, I will come to-morrow, and if not then, the next day and the next." This was in a loud tone of voice. Mr. Barnes said something else and went into his office, and Mr. Sloan went into the room with him.

As they were going through the door she got up and said, "You can have me arrested if you want to, but I will not leave this office." That was not said to anyone in particular, but we heard it in the office. Then Mr. Sloan came out and told me they were going to have trouble, and Mr. Barnes was going to order her out, and if he did and she did not go I was to arrest her. I stepped closer, so I could hear the conversation. Mr. Barnes said to her it was impossible for her to see the President, and to drop the matter. Before Mr. Barnes came out again she walked up and down the office floor three or four times and said, "This is a pretty state of affairs, that an American lady can not see the President. I will see him. I will go above him and I will demand an interview." At that time she reached the chair, and Mr. Barnes came out again. Mr. Barnes spoke to her again, and she said, "I will not leave this office. I intend to stay until I can see him." Mr. Barnes made another request and she made a similar

remark, and then Mr. Barnes called me over and told me to arrest her. I walked over to her and she began to holler not to lay my hands on her, and dared anyone to lay hands on her. I asked her in a low tone of voice to leave the office with me, and she hollered out she would not. I asked her again to leave the office without creating a scene, and she said, "No; I will not leave the office." This was in a loud voice—screaming. I said, "Lady, you have got to leave the office, and I want you to leave it quietly; if not, I will have to use force." She said, "You can use all the force you want to, but you will have to drag me all the way." I asked her again to do so, and she said she would not. I took hold of her with my right hand and put my left hand on her shoulder, and she would not move. I lifted her out of the chair and Mr. Sloan took hold of her right arm and we led her to the door. All this time she was screaming and throwing herself back.

We then called Mr. Murphy—I think his name is—the outside officer, to help us. When we got her out on the walk leading to the lower part of the house she threw herself on the ground. I asked her to get up and walk and not to create a scene like this there. She said, "I won't go. I want you to drag me every step of the way, and I want the press to see it." We then picked her up and carried her the best we could. Each took hold of an arm. She was not doing anything more than hollering, and was saying, "Isn't there anyone to help an American woman?" I did not see a black man on the scene until we got very near to the basement door; then I saw a colored man, and he picked up a back comb and a hairpin. I did not see him put his hands on her. We had to carry her until we got her through the corridor, and we closed the door and then went from the view of the public. We took her to the office and she sat there for a few minutes. I then asked her to get up and walk, and she got up and walked around to the south of the house and to the guard-room. That is a little more than twice the distance we had to carry her. All this time she was hollering very loudly. When we got her into the guard-room we gave her a chair and allowed Sergeant Bryan to take charge of her, as it seemed the presence of us two men who handled her made her more hysterical. When the wagon came she refused to get into it. She walked out to the wagon, but refused to get in, and caught hold of each side of the wagon and propped herself against the door of the cab. I had to get inside and take hold of her hands to prevent her taking hold of anything, and had to lift her in the wagon bodily.

When we got her in the wagon she insisted we should take her to the Post Building; that she wanted the press to know the whole occurrence. Officer Brown got inside of the cab when we put her in and lifted her over so we could close the door. We then went to the house of detention. In the wagon there was nothing out of the ordinary except she asked us where we were going to take her, and I made no reply, and Sergeant Gallaher answered for me, and she slapped him in the face. Sergeant Gallaher was in citizens' clothes. At the house of detention I preferred the charge of disorderly conduct against her. I gave no instructions at all at the time, but on account of her hysterical condition when she was ready to put up the required collateral I told them they had better hold her for examination as to her mental condition. I had no instructions from anyone to do that. I went to court the next morning, and she forfeited collateral. I am detailed to the Secretary to the President, in the Executive Offices, and have an inside detail at the White House. I am subject, I understand, to the orders of the Secretary and his assistants. The chief usher is in charge there.

WASHINGTON, D. C., January 13, 1906.

Statement made by Private C. H. Murphy, of the Metropolitan police force, District of Columbia, to the major and superintendent of police, after being sworn.

I was detailed at the White House from last Thursday week until the following Saturday, in place of Private Ogle. I assisted in taking Mrs. Morris from outside of the Executive Offices to the police office in the White House. I was doing duty on No. 2 beat outside and was about 50 feet away when I heard a commotion inside and walked toward it. I heard a woman say, "I won't get out; don't you force me out." The voice was very loud. Before I got to the door Officer Frech brought Mrs. Morris out and asked me to assist him. I went over and asked if he was going to arrest her. He said, "Yes." I thought she was crazy from the way she acted. I took hold of her arm, but not hard enough to bruise it, and she sat down in the mud. I said, "Madam, you will ruin your dress; the streets are muddy." She said, "I will not walk; you will have to drag me." I said, "You will have to go; you had better walk; we will have to take you if we drag you." She is a very large woman, and she kicked me on the shin, and I have a mark there now. She sat down and stuck her feet in the ground, and we had a time with her. She stuck her feet in the ground so that we had to push her. I had my arm back of her, and so did Mr. Frech, and we finally got her to the basement entrance—a distance of fully 100 feet. I noticed a colored attendant there. He draped her clothing around her feet so as to prevent exposure of her limbs, and picked up her pocketbook. She said to us, "You will have to drag me." I said we did not like to do that. I said, "You will ruin your clothes sitting down in the mud. You will have to go." She said she would not. Other officers came to our assistance finally, but she was going along all right then, and my duty ended after she had gone in the office. I am certain that, situated as we were, we did nothing more than was necessary to maintain the arrest. We used as little force as possible. It was her fault her clothes were ruined; that was caused by her sitting down in the mud.

WASHINGTON, D. C., January 13, 1906.

Statement made by Private A. E. Brown, of the Metropolitan police force, District of Columbia, to the major and superintendent of police, after being sworn.

I was at the Executive avenue entrance to the White House the day Mrs. Morris was taken to the house of detention, and was at the guardroom when she was taken out and put in the cab. I did not know how she came there; when I saw her she was in the guardroom. She was hysterical in there and wanted to break out, and Sergeant Bryan had to hold the door several times to keep her in. When the cab came from the house of detention, she walked out to the cab without assistance, but refused to get in. Sergeant Bryan had hold of her arm guiding her, and Mr. Stone, the chief usher at the White House, opened the folding doors for them and then stepped out to the cab. Myself, Private Frech, Mr. Stone, and Sergeant Bryan were there. She refused to get in the cab and grabbed hold of each side of the cab door and commenced screaming, and she tried to slap and kick and screech. I never touched her until I saw that Mr. Stone and the other two could not very well handle her, so I started in myself then. I

got Frech to get inside of the cab and take hold of her two hands, and I took hold of her waist and lifted her in and stepped up on the step with her. She propped herself against the cab door and tried to get out by throwing herself back. I tried to close the door after I got her in and she tried to back out, and she tried to claw Mr. Frech in the face and I grabbed her around the waist and held her.

I did not see any of the trouble until she was in the guardroom. I am on duty around the White House and look after the President. I went to the house of detention with her, and on the way up there she slapped Sergeant Gallaher very severely in the face and tried to claw other people. I had hold of her arm, and as soon as I let go of it she slapped Sergeant Gallaher in the face. She said she was being brutally treated and all that, and that we would hear from it. When we got to the house of detention, I said: "Now, madam, if you want to be quiet and go in the house of detention, all right; but if you act in a violent manner we will have to take you down to the first precinct and put you in a padded cell." She said she would do so, and she got out without any assistance. She was very hysterical. I could not say she appeared like a crazy woman, but she acted wild and out of her senses for the time being. She was handled as courteously in my presence as possible. When I had hold of her, I only used sufficient strength to keep her from injuring herself or anyone else.

IN CHARGE HOUSE OF DETENTION.

WASHINGTON, D. C., January 12, 1906.

Statement made by Acting Sergt. John Gallaher, superintendent of the house of detention, to the major and superintendent of police.

I am the superintendent of the house of detention. On the 4th of January, I think it was, about 1 o'clock, a call came from the White House for the house of detention cab. The clerk gave me the message, and I went alone in the cab to the guardroom, where I saw this lady—Mrs. Morris. Officers Frech and Brown and Mr. Stone, the head usher, brought her out and put her in the cab. I did not assist in bringing her out. As soon as I got there they brought her out. The lady was very much excited, did not want to go, and fought the officers all she could; but it was not more than a second before she was in the cab. She did not fall down, but she tried to throw herself back. The officers had hold of her arms, one on each side, and Mr. Stone also helped put her in the cab. I did not see a black boy there; but there were eight, ten, or a dozen people around. She was crying out loud and screaming. She did not use any profanity. She did not bite the officers. The officers had to force her in the vehicle; they pushed her in, and she was resisting all the time. The officers did not use any more force than they had to to get her in. Her clothes were torn when I got there. I don't know who tore them. Officers Frech, Brown, and myself accompanied her to the house of detention. She made so much noise I said we would have to take her to No. 1; that we could not take her to the house of detention. She wanted to know where she was going, and I said to the house of detention. When I said that, she slapped me in the face with her hand. I did not touch her. She did not seem to have all her faculties. When we got to the house of detention I took her to the clerk's office. When we got to the house of detention she got out of the cab and walked in the house without anybody putting hands on her. Officer Frech charged her with disorderly conduct. Afterwards the charge of insanity was made against her by Officer Frech.

When we got in the house she said she wanted to telephone to Mr. Guthridge, who is on Fourteenth street, and also wanted to telephone to Mr. Warner. She telephoned to Mr. Warner, and he was just going to leave town; and she telephoned to Mr. Guthridge, and he said he would be over as soon as he could. Doctor Burch was there at the time, had been there to examine an insane woman, and I telephoned to him from the White House to wait until I got there, which he did. I did that because I thought they were going to put the charge of insanity against this woman. When I got there Doctor Burch said: "There is no charge of insanity against this woman." I said to Officer Frech: "Aren't you going to put some charge against her?" He said: "I will make the charge of disorderly against her; I can sustain that charge." I said: "You had better call up the station you belong to." He did so. I said: "What collateral do you want for her in case a friend comes and puts up collateral?" He telephoned to the fifth precinct, and said \$5. I said to him: "If anybody comes and puts up collateral shall we let her go?" He said, "Yes." I thought, to hurry up the matter, I would go over and see Mr. Guthridge. When I got there they said he had gone over to the house of detention. I telephoned to the clerk and asked if he was there, and he said he was, and wanted to put up \$5. I said: "Take it and let her go." On my way back I stopped at the White House and saw Frech and said: "I suppose she has gone. A friend has put up \$5 for her." He said: "No; I have put the charge of insanity against her." He said he had put the charge of insanity against her and he was the officer and complainant. I don't know why he put that charge. I went back to the house then and found Mr. Guthridge, her friend, there, and did the best I could until the doctors came to pacify her. She was in charge of Matron Thornburgh. When she went away she said she had been treated very nicely and shook hands with me.

WASHINGTON, D. C., January 12, 1906.

Statement made by Mrs. Marilla Thornburgh, matron at the house of detention, to major and superintendent of police, after being sworn.

On last Thursday, January 4, Mrs. Morris was brought to the house of detention. I heard a little commotion outside of the door, and looked out my window and saw a woman being brought up the steps supported by Sergeant Gallaher and an officer—I could not say whether it was Officer Brown or Frech. I hurried downstairs to meet her, and she seemed to be holding back a little bit, but not very much. She said, "I don't want anything to do with you, or anybody else here; you are all of the same piece; you are all under that one person." I said, "Never mind." She seemed to be very hysterical; she was indignant. I said, "Come in and go upstairs with me and you can state your grievances to the officer, and we will do all we can for you." I did not know anything about the case. She said, "No, I won't go; I want to use the telephone." The sergeant said, "Go upstairs, and we will take your message." She said, "I will not; I demand the telephone." The sergeant said, "All right, come here and get calm and you can use the telephone." He escorted her to the telephone and she made an attempt to call up some friend of hers, and she would not allow anyone to assist her.

I wanted to help her, but she would not allow me. She was making sweeping assertions with her hands [illustrating]. She could not re-

member the number of the telephone from the time she would read it in the Telephone Directory until she took the telephone. Doctor Burch was there and he stepped forward and said, "Madam, let me help you; you are in no condition to call anyone." She permitted Doctor Burch to do so. I found the address in the book; she gave me the name, "Henry Clew." She attempted to call Mr. Guthridge to the house of detention. She said, "This is Mrs. Minor Morris talking to you. I have suffered the greatest humiliation and degradation that could be put upon any woman, and I am now at the house of detention in charge of a policeman." She was crying at the time, and it took a good while for her to tell Mr. Guthridge. After she had talked a while and expressed her indignation about being brought over there by the burly policemen, as she called them, the sergeant and I coaxed her to go upstairs in the matron's room, and told her it would be better up there than down there where everybody could see her. She went up with me and remained there from 2 until 5.30, crying and going on at a terrible rate. She acted like a demented person. She said, "This will cause the greatest sensation of the age; this is the tragedy of the age." She exclaimed, "I don't care what they do with me; I have accomplished my purpose. The President will surely have to notice my husband's case." Those were the words she used, and she said the same thing to Mr. Edmonston, the guard. I had to call him downstairs one time, because we had an insane woman there, and she was adding to the clamor, and I was afraid to leave this woman for fear she would plunge out of the window.

If my idea goes for anything, I thought the woman was insane when they brought her there, on account of the loud and boisterous language that she used, and I have had nine years' experience with such people. She calmed down to some extent after going upstairs, and then began to tell her tale to Mr. Guthridge. He was there almost all the time, and a Mr. Weber, a reporter for one of the New York papers also came there. She would burst out crying when she would recall the incident of her being dragged across the yard by two burly policemen, as she called them. She said Mr. Barnes said, "Madam, you can not see the President." She said, "Very well, I have nothing else to do; I can wait here all day until I see him." He said, "Madam, you can not stay here." She said, "Why can't I stay here? This is a public place." He said, "You can not stay here." She said he put up his hands and two policemen came and took hold of her sleeve to her coat and said, "Madam, you will have to go out from here." She said, "I fell back and said I will not," and then they took a firmer grasp on her arm and lifted her bodily out of the chair and dragged her bodily out of the room, and she screamed and said, "I will not go." Her dress was very much torn—torn from dragging and being ground out on the pavement; one place it was worn clear through two skirts. When she got that far she said she screamed and cried and asked somebody to help her. I said, "Why didn't you walk?" She said, "Do you suppose I would walk one step with two police officers to come to the house of detention? No; I would not; they would have to carry me if I went, or drag me," which they did—it appears they did drag her. She said, "I did not take one step, but sat myself down, and then they dragged me."

She is a very large woman; I would imagine she would weigh 200 pounds, and when she makes herself limp two men could not carry her. She said when she got across the grounds to the office on this side of the building—I don't remember what she called it—she said they started to take her out and put her in the cab—"two men dragged me." She brought that in every time, "dragged her to the cab," and another man stood up and the three of them bundled her in, "threw me in, and they brought me over to this place." She made the statement that she was abused at the house of detention, but she called me up and contradicted that. I believed that the woman was insane when they brought her in. She said this would make the greatest sensation of the age; that it would be known from one end of the United States to the other. She said, raising up her arms in a tragedy-queen like manner, "I don't care what they do to me; I don't care how much I suffer; the President will have to take notice of it now—of my husband's case," that she had accomplished what she went for. I asked her her name; I said, "Mrs. Morris, will you please tell me your Christian name?" She said, "What has that to do with the case? I don't want my Christian name given; it has nothing to do with it." I said, "It has nothing to do with it, but the clerk wants your name." She said, "You can call me Hull Morris." I said, "That is as well as any if it is your name." She then said, "My name is Alice Hull Morris."

Q. Did she leave you under the impression that she was demented?—A. Yes, sir. A great many demented people will drop down on their knees and pray, and before she would leave the office she dropped on her knees by the desk and sent up a petition for guidance and asked that her enemies be confounded, and that the President be brought to view the case of her husband; that it was a just and Christian act to do, and that he was influenced by people who had a grudge, or spite, against her—not her—but us. Afterwards she went upstairs and prayed again for support and the confounding of her enemies, which, to my mind, in the place where she was, was what a person in their right mind would not do. She prayed twice in my room. The second time by my table, and I respectfully turned my head, and I heard a noise, and she had fallen down between the table and the couch. She said she struck her head, but she did not. She was on her knees and she dropped over on her side. I tried to lift her, and I think I twisted her neck around lifting her, and she said, "Oh!" She did not show any bruises or scratches. She called me to the telephone the next morning and said, "Did you see the papers?" I said, "Yes." She told me who it was, and said: "That was an awful lie about you; if I said anything about you, it was how kindly I was used by you at the house of detention." I said, "I am glad to hear you say that." She said, "What shall I do?" I said, "I don't know, unless you call up the major and superintendent and tell him; we can not explain in the newspapers." She said, "I will at once," and shut off the telephone, and I suppose she did.

WASHINGTON, D. C., January 12, 1906.

Statement of W. B. Edmonston, guard at the house of detention, made to the major and superintendent of police.

I was on duty at the house of detention on last Thursday when Mrs. Morris was brought there. I was in the office and saw her when she first came in. Officer Brown, of the third precinct, and Officer Frech and Sergeant Gallaher were with her. They came over from the White House with her. She said she wanted to use the telephone, and the sergeant said she couldn't use it at first; and she insisted, and he finally said, "All right." She didn't ring, as she thought it was a telephone that would ring when taking the receiver off. She was very

much excited and couldn't use it, and the sergeant started to ring the telephone for her, and she would not let him use it; that he was going to fix it in some way that she couldn't telephone, and then she got so excited that she couldn't find the number, and she said he was going to fix it, and she got confused again and couldn't open the book, and she commenced on the sergeant again, and said he wanted to fix it so she couldn't hear anything at all. Doctor Burch was there, and he tried to help her out, and stepped forward, and he took up the book and called for Mr. Guthridge, and I think he called for B. H. Warner, but he was out of town and so couldn't come, and then something happened. She grabbed the telephone out of Doctor Burch's hand and said he was going to try and fix it so she couldn't get the parties, and he said, "I beg your pardon, I will use the telephone." He wanted to help her.

When she came in there she was very nervous and excited, and from the way she acted I thought she was crazy, but she didn't strike anybody and did not use any profanity. She said she had been over to Mr. Barnes, had sent her card in to Secretary Loeb, and he wanted to know what she wanted to see the President about, and Mr. Barnes said she couldn't see the President unless he knew the nature of her case. She said it was a personal affair and she told him she had time to wait, she was not employed, and would stay there until the President wasn't busy, and she said the time she sat down two burly police officers or ruffians came there and taken her out. She said they got her by the waist and by the arm and wrenched it so it was black and blue. She didn't know how they got her out, it was such an outrage. After she called up these people over the phone we told her she would have to go upstairs in the matron's room. She said to Mr. Frech: "Here is a letter which I wish you would take to the President," and he said he would take it to the President through the proper channel, and she said: "No; take it to him personally; if you don't, he will never get it," and before going upstairs she started to pray. Then she went upstairs, and after she was up there a few minutes Mrs. Thornburg called for me to come up, there was a crazy girl in the opposite room that needed attention, and by this time this Mr. Guthridge came up and put up \$5.

I didn't enter any charge against her, that was done by the clerk, and I didn't see her until she got in the hallways, as I was in the office. I didn't see any scars or bruises on her face. She also said she had accomplished her purpose. She said she told Mr. Guthridge that she had been endeavoring to see the President for five years, she had lost her sleep, and she had been foiled in every way, but now he would have to take it up, it will be brought before the public now, and she spoke of the President as Roosevelt. She said: "I have always understood that Roosevelt was a brute and ungentlemanly and uncouth," and now the brutality has been brought out." She made these remarks, and in the meantime she was upstairs, and I was talking to her trying to get her quiet. I said: "There is a reporter downstairs now, and he will get hold of this," and she said: "I want him. I want the whole world to know of it." She said it would be put before the President now. She was glad it happened, because it would be brought before him. She didn't act as if she was a woman in her normal mind; I would say she was demented, and I didn't change my opinion while she was there.

WASHINGTON, D. C., January 14, 1906.

Statement of J. S. Wall, M. D., surgeon, police and fire departments, to the major and superintendent of police.

On the day in question I received information between 3 and 4 o'clock and called at the house of detention at half past 4. When I was there I met a friend of Mrs. Morris, Mr. Guthridge, going out. I went up to see her, and he returned; he was called back by Sergeant Gallaher and was present when I examined her. I stayed an hour altogether with her and with Mr. Guthridge downstairs. There was no one else present, excepting the officers of the house. There was in her hysteria sufficient to give the idea that she was not of sound mind. I would judge that from her actions she would appear to a layman as being of unbalanced mind, particularly from the history of the case at the time she was brought in. I saw her, you see, a couple of hours after that time. Her condition could have been the result of the arrest. She did not express any feeling directly against the officers at the time, her denunciation being confined to the official—the Assistant Secretary—who had caused her to be removed, and not to those who handled her. She also said that she made determined opposition to their efforts to remove her. Mr. Guthridge was there during the whole period of my examination, and I talked with him downstairs after that time. He talked purely in a personal way with me. In my opinion, this woman is eccentric. She said she was visiting with friends at the New Willard.

WASHINGTON, D. C., January 15, 1906.

Statement of W. Thompson Burch, M. D., surgeon, police and fire departments, to the major and superintendent of police.

I was at the house of detention on Thursday, the 4th of January, seeing another case at the time. I was trying to telephone to Mr. Frank concerning this case of a young girl when I heard a commotion in the hall. It was simply a loud argument on the part of some woman, who turned out to be Mrs. Morris; in fact, it was so much so—she was talking so loud that I could not use the telephone, and I hung it up. She came in the office and requested the use of the telephone. Sergeant Gallaher told her that we would gladly get her any call she wanted, and she said no, she would not let him play any tricks on her, she would do her own telephoning. They tried to convince her that they would help her, and they couldn't, so the only thing to do was to let her use it. She found she couldn't, and we got the number for her. She was extremely hysterical and crying. I talked with her for quite a while, and she spoke about her brother, Mr. HULL. Her husband had been put out of office, as she expressed it, and she was going to have Roosevelt crawl on his knees. She would not listen to reason from any one of us.

I finally introduced myself as a physician and told her that if there was anything I could do I would gladly do it, and she finally talked with me about this case. She did not show any evidences of physical abuse that I could see on her face or arms. The only thing that would lead me to believe so was that the back of her skirt was soiled; it was taffeta silk, and was torn in one place. Under my observation the officers treated her extremely courteous and kindly, and more so than the average man would do under the circumstances. The only thing that would lead me to believe, outside of an examination, that she was mentally unbalanced was she had written a piece of poetry to Mr. Roosevelt, and I read it over. I asked her after-

wards, without telling her I had read it, if she would kindly tell me what was in the envelope she wanted the President to have, and she said it was a piece of poetry that she had written; that she had always been a writer, and this poem was on "Insomnia," and she had tried in this poetry to portray her feelings. It was a very peculiar piece of poetry. As far as I could see, all up there were extremely courteous, so much so that the superintendent himself went out of his way to try and accommodate her and tried to do for her. I did not see Mr. Guthridge, but I saw the gentleman who represented him. I went to the policeman who made the arrest and talked with him before I talked with this woman. He told me he had asked her three times very politely, "Will you kindly withdraw? You can not stay here; I have my orders, and we don't want to use force at all." Each time she said she would not go; you couldn't arrest her and would not arrest her. He asked her three times. Each time he told her that if she did not go he had orders from Mr. Barnes, and he would have to use physical force. He asked her to go out quietly, and she would not do it.

WASHINGTON, D. C., January 21, 1906.

Statement of Private J. M. Bramlett to the major and superintendent of police.

I saw Mrs. Morris when she was arrested at the White House. I saw all, very near, except the time I was going down the stairs to the basement. I saw her brought out of the Executive Office by Mr. Frech, and then Officer Murphy went to her assistance. She was acting very much excited. Frech was pulling her along, forcing her along. She didn't want to go. He had her by the arm and Murphy by the other, but she was on her feet. I suppose she walked to about opposite the laundry. They didn't drag her, only they carried her along. She walked part of the time. She was acting very disorderly and trying to free herself. She was throwing her arms about, but I don't know about her kicking, and I didn't see her attempt to bite. She threw herself on the ground, and they had to hold her up. She was hollering all the time. There was no unnecessary force used any more than was necessary to carry her along. They didn't drag her along the ground; they held her up. Her feet was the only thing that was on the ground, except at times when she would jerk herself away and sit on the ground. They lifted her up and didn't attempt to drag her along the ground. She weighed 165 or 170 pounds, probably more than that. I saw the colored boy, but did not see him attempt to touch her. He picked up her purse and something else, and he adjusted her clothes over her limbs. He never touched her feet or legs.

No. 7.

WASHINGTON, D. C., January 18, 1906.

Statement of Private A. E. Brown, third precinct, to the major and superintendent of police.

On the day of the arrest of Mrs. Morris she struck Sergeant Gallaher and she also struck me. She did not get a chance to bite anybody to my knowledge. She was trying to scratch; had her hands like this [illustrating]; she was scratching and kicking at the same time. She was kicking, scratching, and holding back, and calling on the public to take her part. That was when she was put in the cab.

WASHINGTON, D. C., January 19, 1906.

Statement of Private C. H. Murphy, third precinct, to the major and superintendent of police.

When Mrs. Morris was arrested she threw her hands around and struck me in the face. I had to grab her hands; she got away from us a couple of times. She didn't try to bite; she struck at us. She did that all along, and when she got loose she would throw her hands and arms in the air. I did not see the colored boy take hold of her. I don't think he did, and I think I would have seen him if he had. I saw him arrange her draperies. She kept on kicking, and she kicked the skin off my shin and it shows now; it was quite severe. [Private Murphy exhibited the bruise to Major Sylvester.]

She also kicked Mr. Frech, so he claimed, and I know she very near landed me when she tripped me. She stuck her foot out like a professional. I was surprised; I didn't look for anything like that.

WASHINGTON, D. C., January 19, 1906.

Statement of Private Jacob P. Frech to the major and superintendent of police.

When I first took hold of Mrs. Morris she began fighting me back with her hands, and then she went along quietly, holding back, and we forced her along until we got her on the walk. Then she threw herself down and began fighting, and when we got her up she began kicking. She had gloves on, and she struck us and began kicking. She kicked at Officer Murphy, kicked him between the legs and came near throwing him. She began kicking me, and she kicked me as high up as the groin, because I had to have my trousers cleaned and fixed up after I got home.

JANUARY 19, 1906.

Mr. Charles Haas, with John S. Blair, esq., in the Kellogg Building, was a witness to the manner in which Mrs. Morris was taken from the guardroom and placed in the house of detention cab, and stated that the action of those engaged was no more strenuous than necessary to maintain the arrest; that Mrs. Morris so placed herself as to avoid getting into the cab, which necessitated one of the officers lifting her by the waist while the gentleman with the frock coat, whom he does not know, pushed her. Mrs. Morris, he stated, was demonstrative in her efforts against it, and she was quite a large, strong woman. He would be willing to testify in the officers' behalf.

No. 8.

Statement of Secret Service Agent James Sloan, Jr.

On Thursday, January 4, at about 1 o'clock p. m., a lady (whom I afterwards learned was Mrs. Minor Morris) entered the White House, went to the doorkeeper stationed at Secretary Loeb's door, presented a card, and then took a seat on the west side of the reception room of the Executive Offices.

In a few minutes Mr. Barnes came from the Secretary's office and began talking with Mrs. Morris. I was standing about 4 feet from

them, but could not catch all of the conversation. I heard Mr. Barnes say to Mrs. Morris: "Madam you can not see the President on a question of that kind. You will have to take that matter up with the Secretary of War." Mrs. Morris replied: "I have come here to see the President, and I will remain a month but what I do see him."

Mr. Barnes left her and went into his office. He returned in two or three minutes, and again told Mrs. Morris that she could not see the President, and that she would have to leave the building, whereupon Mrs. Morris got out of her chair and commenced walking across the floor, saying she had come to see the President and she would remain until she did see him.

Mr. Barnes then called Officer Frech and told him to have Mrs. Morris taken out of the building. Officer Frech asked her twice to leave the building. The last time Mrs. Morris pushed him away and said, "Don't you dare lay your hands on me." Frech caught her by the right arm, and told me to assist him to the door with her. After we got to the door the officer from the outside assisted Frech.

Mrs. Morris then refused to move, and stood on the sidewalk. She was screaming loudly, and had to be carried away. I watched them until they were at the end of the path leading to the White House.

During all the time that Mrs. Morris was in the Executive Offices she appeared to be very much excited.

No. 9.

Statement of Secret Service Agent Stephen A. Connell.

On Thursday, January 4, at about 1 o'clock p. m., a lady (whom I afterwards learned was Mrs. Minor Morris) entered the White House, went to the doorkeeper stationed at Secretary Loeb's door, presented a card, then took a seat on the west side of the reception room of the Executive Offices, about 6 feet from the door leading to Secretary Loeb's office. In a few minutes Assistant Secretary Barnes came from the Secretary's office, and spoke to Mrs. Morris for a minute or so. She appeared to grow excited, and Mr. Barnes returned to Secretary Loeb's office. After his return, Mrs. Morris arose from the chair in which she had been sitting and walked across the floor to the table in the center of the reception room. She did this three times, and appeared to be very much excited.

Mr. Barnes again came into the reception room and spoke to Mrs. Morris, and she, in a loud voice, said she would remain there until she could see the President. Mr. Barnes spoke to her again, but what he said I do not know, as I was sitting about 15 feet from her, on the same side of the room.

Mr. Barnes motioned to Police Officer Frech, and he went to Mrs. Morris and touched her on the arm, right side. Secret Service Agent Sloan also spoke to her, being on the left side, and escorted her to the door. As soon as the officers laid their hands on her she started to scream and became hysterical. When they reached the door leading to the outside of the reception room of the Executive Offices, Officer Frech called another officer, who came to his assistance, Agent Sloan returning to the Executive Offices.

Mrs. Morris then refused to move, and stood on the sidewalk. She was screaming loudly and had to be carried away. The only words I heard her say were: "Do you know who I am? I am an authoress and a highborn lady."

I stood at the door until they passed to the path leading to the White House, then returned to the Executive Offices.

No. 10.

WASHINGTON, D. C., January 20, 1906.

Statement of Sergt. R. Bryan to the major and superintendent of police.

I was in the guardroom. The first observation I had of Mrs. Morris was when she was in the guardroom, and she was very much excited and demonstrative. She was brought down to the office by Officers Frech and Murphy shortly after 1 o'clock—a quarter past, probably. When she came in I saw she was very much excited. I asked her to have a chair, "Sit down; rest yourself." She said, "No; I won't sit down." I said, "You might as well sit down and not work yourself in such a way; it is uncalled for." She said, "You don't know anything." I said, "That may be; but console yourself," and she said, "No; I won't console myself. No; I won't," she says. She says, "Roosevelt will be glad to reinstate my husband." Every time she would leave where I was standing and walk over to the door, where people standing outside could see her, waving her arms; there were quite a number of people standing around. Then she would walk back, and I then said, "Sit down; you might as well rest yourself." She said, "No; I won't; your appearance is offensive to me." I said, "That may be; but console yourself." I tried to reason with her in that way, but I could make no success of it at all. In the meantime the van arrived, and she walked out of the room on to the front of the office, and Frech got her by the arm and led her over to the cab. I didn't see anything further at that time.

When I came out they had her barely in the cab. I came there afterwards, and Captain Stone, the chief usher, and Brown and Sergeant Gallaher I remember being there, and Frech. You see, Major, she would not get up the steps to go into the cab, but she deliberately sat down on the officers and they had to raise her, and that made it necessary for some force to be used to get her in the cab. They found they could not get in that way, so they let her come back, and Frech gets inside and reaches his hand over to pull her in, she slapping at him all the time. Brown got in there finally and got her around the waist, and after Sergeant Gallaher got in they drove away.

No. 11.

HEADQUARTERS OF THE METROPOLITAN POLICE
DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, January 15, 1906.

Hon. WM. LOEB, JR.,
Secretary to the President,
White House, Washington, D. C.

MY DEAR SIR: Referring to the case of Mrs. Minor Morris, arrested at the White House on Thursday, January 4, 1906, and your request that I procure and present such facts and information concerning it as might be had from the members of this department who have knowledge thereof, I respectfully beg leave to report that I have had several of them before me, and from the statements made to me it appears that Mrs. Minor Morris, after having been repeatedly requested to depart from the waiting room of the Secretary's office, and peremptorily and finally refusing to do so, was, at the instance of Assistant Secretary Barnes, first removed by Private Jacob P. Frech,

specially assigned to interior service at the White House for the use of the Secretary's office and the preservation of peace and good order and the protection of the President, and a member of the Government secret service; that upon reaching the entrance to the building Private C. H. Murphy, of the police force, who was temporarily detailed as an exterior guard in the White House grounds during the illness of the regular man assigned to the location, approached, and at the direction of Private Frech proceeded to assist in maintaining the arrest. The testimony of the officers emphasizes the fact that despite their appeals to Mrs. Morris to walk and avoid the distress that would follow forced action on their part, she opposed them by placing herself in the way of greatest resistance, the officers claiming that then no more force was used than was necessary to remove her to the basement entrance, under cover, fully a distance of 200 feet.

The testimony shows that Mrs. Morris proceeded from the police office at the White House to the cab awaiting on Executive avenue and there again persuasion was ineffectual, necessitating her being placed in the cab, which was in charge of Acting Sergeant Gallaher, in citizen's clothes; that at the house of detention, where there are no "cells" or "bars," every consideration was extended her.

At 10.19 o'clock on Friday morning, in response to a call from Willard's Hotel, the major and superintendent of police went to the telephone and was informed that Mrs. Morris desired to talk with him. A person representing herself as Mrs. Morris, it being a female voice, asked, "Is this Major Sylvester?" Being replied to in the affirmative, the party said: "Have you seen that terrible article in the paper this morning? I want to say to you that I was not placed behind bars or in a cell at the house of detention, but was treated as kindly as possible, especially by Mrs. Thornburg. What can I do about it? It has done me a horrible injury. I did not sit down, but fainted when I was taken by the police." The major and superintendent responded that he did not know what she could do unless to have it retracted by the paper, and thereupon informed the city editor of the Star and the editor of the Times of Mrs. Morris's statement.

While Mrs. Morris was being held at the house of detention, Mr. Barnes telephoned the major and superintendent and stated that Mr. Guthridge had asked that Mrs. Morris be released, and wanted to know what the major and superintendent thought about it. The latter had not up to that time been informed of the arrest of Mrs. Morris, but asked if the woman was of sound mind, which Mr. Barnes stated he could not say; it might be questionable. The major and superintendent ventured the suggestion that if Mr. Guthridge would assume the responsibility of caring for her against her annoying the public it might be done.

The statements procured, also a communication from Mrs. Morris to the President, are herewith respectfully submitted.

Very truly,

RICHD. SYLVESTER,
Major and Superintendent.

No. 12.

[Confidential and personal.]

HEADQUARTERS OF THE METROPOLITAN
POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, January 19, 1906.

Hon. WILLIAM LOEB, JR.,
Secretary to the President,
White House, Washington, D. C.

MY DEAR SIR: I have your reference of the 18th instant respecting inquiries you desired should be made of certain persons to whom you refer concerning Mrs. Minor Morris, and I beg leave to respectfully inform you that Dr. J. Wesley Bouvee has for a number of years been intimately acquainted with Mrs. Morris's relatives, and he stated that from the history of her case and judging from reports he was of the opinion that her mind is not right, and that he would be pleased to confer with you on the subject if you so desire.

As directed by you, through Assistant Secretary Barnes, I have written the Hon. Thomas S. Rollins, at Asheville, N. C., in regard to information given you concerning the deposition of the physician in that city.

As to Mr. Stokes, that gentleman was not seen, as I was informed he had made a statement to you.

Mr. Jacobs, of Woodward & Lothrop's, was not disposed to give a written statement with respect to that firm's experience with Mrs. Morris, which was her excitement over delay in passing upon her check and certain matters in trade.

Mr. Boxer, at Kann's, stated there was nothing in the case there; that there was nothing to be said.

Mrs. Dunlap stated that Mrs. Morris had upbraided her for having placed her own name as chairman of the committee on a letter head and omitting the names of other members of the committee, a work which she had done at personal expense, and that the experience was very unpleasant.

I inclose herewith report of females taken up at the White House by the service there since 1903, as requested by you.

Very truly,

RICHD. SYLVESTER,
Major and Superintendent.

No. 13.

ASHEVILLE, N. C., January 20, 1906.

Hon. WM. LOEB, Washington, D. C.

MY DEAR SIR: I have this day mailed to Major Sylvester a statement from Dr. H. B. Weaver in regard to Mrs. Minor Morris, which I trust will be of some service and information. Doctor Weaver is ex-president of the North Carolina Medical Association, and is one of the leading physicians in this State. If I can be of any further service to you in regard to this or any other matter, don't hesitate to call on me. With kindest regards and best wishes, I am,

Very truly,

THOMAS S. ROLLINS.

P. S.—I inclose a copy of Doctor Weaver's letter for your information, but he prefers that his statement be not made public unless necessary.

ASHEVILLE, N. C., January 20, 1906.

Maj. RICHARD SYLVESTER, Washington, D. C.

DEAR SIR: Mr. Rollins has just shown me your letter of the 19th instant, and while there is usually a relationship between physician and patient that is sacred and inviolate, yet there are times when

even secrecy should be invaded for the good of the public. The White House episode of the Mrs. Morris affair is an instance illustrative of this fact. Not only is our Chief Executive brought unduly under unfavorable criticism, from which, owing to his high position, he is unable to vindicate himself, but the whole nation is attempted to be brought into disrepute by designing persons who wish to exploit themselves before the world. I deem it, therefore, eminently proper under the circumstances to state frankly as a physician my knowledge of Mrs. Minor Morris from a medical standpoint.

About two years ago, while Mrs. Morris was in Florida, through correspondence she came to Asheville and became my patient, or, rather, I became her medical adviser, her husband being a physician. She remained in this city about six weeks, and from all I saw and heard of her actions I was forced to the conclusion that she was unbalanced mentally, or, in familiar parlance, a "crank," or, as we say, suffering from a mild form of insanity—a monomania. I do not deem it necessary at this time to go into the details of the symptoms which would be confirmatory of my diagnosis.

I have the honor to be, sincerely, yours,

H. BASCOM WEAVER, M. D.

No. 131.

INSOMNIA.

Eyelids drawn by hand of fiend;
A thousand terrors, as of noisome things!
Of reptiles sleek and sinuous,
Spitting the poison from their gums,
Of beetles, wasps and asps, and nameless little things
That with a dot do sting the body to a reep.
Legions of devils laughing
While their imps the heartstrings pull.
Roar of lions, screech of tiger cat
All habiting the brain,—busy too, as devils in their hell.
Pulses running burning lava,
Eyes surcharged with brine, hidden in their sockets,
Or puffing orbs to bursting,
That run down furrows that once were cheeks of snowy roundness.
Eagles, and birds of prey, long beaked sit,
And from the heart do peck an atom every hour;
And chatter while they make their feast.
For what man, all this?
Mayhap for nerves o'er wrought in Music's realm
Or for the mission to the sick
A life to others given;
Or book of sunny thoughts to gladden all who read
Write by midnight oil, too long, too ceaselessly;
A fair star beckoning over there, a magnet to the man,
Or bird of beauty perched to lure by song so sweet,
That song and plumage are too fair and beautiful.
Mayhap a poem, of so rare a worth,
So wondrous in it prophecies
And yet its beauty digging entrails out of him who writ;
A painting too, a story tells of tortures of the damned,
Extremes which meet in fervid heat
Turned, by excess, to bitter gall.
The receding or passing of the goal as he approached it,
The small, mean little thing compared with what he felt,
And what his soul could feel.
So a statue; cold, unyielding,
Which should have breath, but would not;
Should speak, but silent and disdainful
Because it can not feel the lava in
Its author's burning veins.
And so the bard has writ of the torments of success.
Each wrought as best he could, and not in vain,
If but to know man's impotence.
And each a great truth tried to tell,
And off with wizened visage
Comes foul-tongued Calumny,
And sears whatever it looks upon
With deadlier poison than the night shade's breath.
Another and a briefer yet,
The miser's gold to count, until hands palsy by the act.
A poor, mean quality, that makes men
Knave and fools, forgetting God and all most dear
To hoard and worship for a few brief years,
In getting, hastening for themselves their end,
That they who follow them the gift may dissipate.
And what the meaning of all this?
How with devils laughing in his ears
And wild cats hissing.
Torrid heats and thirsts unsatisfied,
The Nemesis of overstriving, colossal, nebulous, yet real,
Can man his lesson find of patience for the end?
To trust and wait on promises of longer life, and larger,
For the breath into his statue,
Sweet charity returns unto his soul,
The truth within his story or his song?
Yet it is writ, and so ordained, that man must work
That the spirit shall be tempered like the steel,
That the flesh shall be weary, that all shall be a burden
That men shall turn to heaven for his goal.
The laborer shall toil and sweat,
His night's relief engaging,
For tollers of the brain and heart,
Ambitions weary slaving,
Each earns his modicum of rest
And wits upon the morrow
Eager for the promises, and morning light to come.

(Laura Hull Morris.)

No. 14.

THE NEW WILLARD,
Washington, D. C., February 16, 1906.

THE PRESIDENT OF THE UNITED STATES.

SIR: Having waited patiently a number of weeks that you might have ample time to ascertain all the circumstances connected with the insult recently offered my wife at the White House, and that you might make some expression of deprecation which would naturally be expected, it is now incumbent upon me as husband and citizen to

demand a public apology for this outrage on womanhood and common decency.

It is unthinkable that such brutality would be tolerated anywhere in this country, but above all in the White House.

That my wife has been confined to her bed six weeks from the shock and injuries of this damnable treatment is bad enough, but I can say to you in all calmness that had the original orders from the White House been carried out as to her longer incarceration her life would have been sacrificed. It is therefore incumbent upon me to repeat my urgent request that you take action at once suitable to the circumstances which have shocked the entire nation.

Respectfully,

MINOR MORRIS.

No. 15.

THE WHITE HOUSE,
Washington, February 19, 1906.

SIR: In reply to your letter of the 16th instant, the President directs me to state to you that he had the superintendent of police of the District of Columbia, Major Sylvester, make a careful investigation of the circumstances connected with the arrest of Mrs. Morris for disorderly conduct at the Executive office, and the superintendent submitted to the President all the affidavits of the persons whom he had examined. The President carefully went over Major Sylvester's report and the affidavits, and also personally saw Major Sylvester and some of the persons making the affidavits. He came to the conclusion that the arrest was justified, and that the force used in making the arrest was caused by the resistance offered by Mrs. Morris to the officers in the discharge of their duty, and was no greater than was necessary to make the arrest effective.

Under these circumstances the President does not consider that the officers are properly subject to blame. He was also satisfied that the kindest thing that could be done to Mrs. Morris and her kinsfolk was to refrain from giving any additional publicity to the circumstances surrounding the case.

Yours, truly,

WM. LOEB, JR.,
Secretary to the President.

DR. MINOR MORRIS,
The New Willard, Washington, D. C.

No. 16.

LEAGUE OF AMERICAN PEN WOMEN,
2334 MASSACHUSETTS AVENUE,
Washington, D. C. November 14, 1904.

MR. PRESIDENT.

SIR: My husband has left for his old home prostrated, to be near his mother for a time on the old farm, after three years of almost unwearying effort to have justice rendered him in the War Department, and in consequence elsewhere in obtaining employment. So cleverly have his enemies manipulated that there are those who believe him to be an unworthy man. His name has been so besmirched by the chairman of your military committee, whose false charges have followed him everywhere. This reaches also to me. My usefulness has been completely crippled, my name has only to appear in committee on this paper, and I see that I shall soon have to meet this and other misrepresentations even in this little league, which I had hoped to help, and which I can help. I am going to stay here and fight it out as long as my strength lasts. Although I have had a frightful insomnia for three years, I shall die, if necessary, fighting for the truth and justice in this matter. Mr. and Mrs. J. A. T. Hull pursue us everywhere, either they or their one or two mouthpieces, one a woman whose husband divorced her on statutory grounds through two courts. They have boasted that we must leave Washington. Mrs. Hull had no recognition from my father and mother for years before their deaths, and she now thinks to avenge herself on their daughter. We are here to stay until we either die or have justice. If you care to get at the truth, I think Mr. Melkeljohn would tell you, under proper persuasion, that Mr. Hull kept my husband from a better appointment, or that he was not friendly to his cause when, through the efforts of Mr. Dawes, he was given this little place in the Army Medical Museum. My husband is a man of so much culture, of such upright character, that he excited the jealousy of this J. A. T. Hull, and the latter pulled wires until he got him buried there. Mr. Hull being an insurmountable obstacle to anything better then, and I believe Mr. H. knew it was bad politics to remove him (besides he was buried beyond hope of promotion in that place in most probability), but the dominance of an unscrupulous wife would not let him rest, and he removed him. They were shortsighted enough to believe that we came to Washington unprepared to stand financially (else why, in their argument, would he (Doctor Morris) take such a small place?) and that his removal would also remove us from the city. They were wrong in their reckoning. The death of my father came, and I resented in court his attempt to take from my brother, F. W. Hull, his share, as well as my own, of a small estate without consulting either of us. My brother, F. W. H., is a sufferer from consumption, inherited from our mother. He needed every cent he could get honestly, a little meaning much to him. He was offered consideration if he would go over to the executor's side. He stood by his sister and lost his interest in the estate, which, in his need, he would have known how to use to such benefit to his health and comfort, only able at times to be employed.

I shall not go into detail here, but there was perjury, corrupting of the court, and forgery of a codicil. Mr. and Mrs. Hull were not entirely beyond the venality of the small estate, but their foremost intention was to send us in humiliation from Washington. I say to you as calmly, sir, as I ever wrote anything, this they shall never do. By the eternal they shall not. I have this resource left: If it be definitely settled that my husband can not be reinstated, I shall sue the chairman of your military committee here in the District for defamation, for removal from office on false charges a man who had performed well his duty, and for (Mr. H.) reading one will here and filing another, for perjury, and for forgery of a codicil to his father's will, with corruption of the court. I have many papers, although the probate and court records were removed, many of them, from the files after the suit had been "won" by the tricks and chicanery and dishonesty only known to a politician. I suppose I shall come out of it with not a shred of reputation. Character is another thing that is the impregnable fabric of the life and its work, the content of the soul, not easily destroyed, but I shall still have my husband and my two noble sons. I am here to stay, Mr. President, and if you wish to do a really great act, which is wholly unselfish, if you wish to satisfy yourself, I have papers and

data, lawyers' briefs, and correspondence which can satisfy you. They can be examined in sessions, or in any way you shall elect, but if not in one way they shall be in another, and I am not to lose out this time. Three long years of meeting every phase of underhand and perfidious work from those people, often through their direct effort, when they dared, and through their mouthpieces, when they dared not, has not made me desperate, but it has made me determined. Few know us here as we are, so effectually have they tracked us with falsehoods and misrepresentations. They have boasted that I shall not publish my books on pain of scandal, and for three years the MSS. for two books, one a series of essays on ethical and philosophic music and another a volume of verse, have lain in my closet only to ripen and to be better for this kind act of my enemies. So I have concluded to bring the thing to a consummation and no longer to fight the unseen, their machinations—the pursuers are going to be pursued. There can be no threat to you when I say if my husband is reinstated, even in small position until you know him, I am sure you would find such a man useful to you. Could you not take some steps to examine our data and satisfy yourself? You always wish to render justice. I predict, sir, that when you know his parts you will not forsake him. I can not bear much more pressure. Have a care for a woman who has been in abject insomnia for three years and whose fatality and development seems to be to meet misunderstandings and wrongs. "And God a troop shall overcome, but He shall overcome at the last." "And God a troop shall overcome, but He shall overcome at the last."

I am, sir, very respectfully, your obedient,

LAURA HULL-MORRIS.

In justice to my husband permit me to say that he has had absolutely nothing to do with the will fight. He refused to have anything to do with it, and my oldest son opened up the matter, so outraged did he feel for his mother, and Doctor Morris only came into the matter when Mr. HULL, my once brother, insulted me grossly when I went to him to ask why the codicil to my father's will had not been filed with the will, and how it, an indivisible and integral part of the will, could be separated except by its incision. The codicil was sequestered for ten months. Is there not as great principle here as if the estate were worth a million, when it resolves itself into the question of who has sworn falsely?

No. 16.

2334 MASSACHUSETTS AVENUE, WASHINGTON, March 5, 1906.

COLONEL, HONORABLE, AND MR. PRESIDENT: It is to be sincerely hoped that your amour propre has been satisfied, nay gorged; and I doubt not I am your only subject who dares to say so over her signature. History will do your love of display full justice. And while you speak with such an abandon of "justice and righteousness of wronging no man," etc., your acts do not second your words, for there are two people suffering for four years from a wrong which you might have righted at once, their health too broken to be ever fully reinstated, their position, rightfully theirs, impugned, and nothing which a ruler can ever do can right that wrong. Sir, as I have sent you other communications which Mr. Loeb has probably not given you (you will kindly ask for the copy of my psalm which I inclosed to you), I shall address this to Mrs. Roosevelt, upon whom I left my card four or five years ago, in the hope that you will receive this note. I wish you a happy reign and many opportunities to tell of your love for the simple life, which we are truly living.

With becoming obeisance, I am, truly, yours,

LAURA HULL-MORRIS.

No. 17.

Statement of Mr. A. H. Feathers, messenger in the office of the disbursing clerk, Navy Department.

I witnessed the taking of Mrs. Minor Morris from the door of the Executive Office until the turn was made to enter the basement at the west side of the White House, and took particular notice of it because I have been in that business a good many years myself as an officer and deputy sheriff in my county at home. I noticed nothing rough at all; the officers did nothing rough at all. There was one officer on each side of her, and she walked part of the way with them, but frequently broke loose from them and would drop down. At last they picked her up, one on each side, after which she let her feet drag for a short distance. Then the officer on the right side took her under her arms carefully and picked her up, and the other officer took her by the feet, and they walked along to the basement of the building. She, of course, was screaming. From my experience as an officer I am able to say that the two officers conducted themselves with entire propriety toward Mrs. Morris and used only such force as the woman herself made it necessary for them to use. So far as I witnessed the occurrence, no colored person had any part whatever in it.

A. H. FEATHERS.

JANUARY 13, 1906.

No. 18.

THE WHITE HOUSE,
Washington, January 16, 1906.

THE SECRETARY TO THE PRESIDENT:

In reply to your request for a statement on the Morris case, would respectfully say when this person first came under my observation she was in the guardroom, pacing the floor in a high state of excitement. When Sergeant Bryan attempted to calm her by words of assurance, she replied that it was "time to wipe away the tears, and fight." Following these remarks she rolled up her sleeves and approached me as if to strike. The sergeant stepped between us, and she waived him away, saying: "Your presence is offensive to me." The house of detention cab arriving at that moment, Mrs. Morris was placed in it by officers and myself, she resisting all the time. This is as far as my knowledge extends in this case.

J. E. STONE, Chief Usher.

No. 19.

Statement by Mr. John H. Stokes, January 18, 1906.

I am manager of the Portner. During the winter of 1902-3 Dr. and Mrs. Minor Morris had an apartment at the Portner. My experience with her was that she was a very difficult woman to deal with. Whenever she made requests for something to be done for her, if it could not be done immediately she would fly into a rage, use abusive language, raising her voice so as to disturb the entire house. She frequently would have these fits of temper, and would take to her bed. On one occasion I was coming up the street approaching the house

when I heard yells of "Murder! Doctor Morris is choking me to death; he is killing me! Help! Help!" The people in the neighborhood were all attracted by the noise. On going to her apartment I found the large glass in the front door of her apartment broken, with evidences that something had been thrown through it. On Doctor Morris appearing at the door I asked him what it all meant, and he said he was doing nothing; that Mrs. Morris had one of her nervous spells. On passing by the door and looking in, Mrs. Morris lay flat on her back on the bed, kicking her feet and waving her arms and yelling.

Whenever I had occasion to come in contact with Mrs. Morris I found her a most unreasonable person; that unless everything could be done exactly as she wished she would fly in a passion and insult me grossly. Her conduct finally became so unbearable that I requested Doctor Morris to vacate the apartment and released him from his lease, which had still four months to run.

Knowing Mrs. Morris as I do, I am not surprised at the way she conducted herself at the Executive Office.

JOHN H. STOKES, Manager.

Statement of Mr. George Gray Knowles.

I live at the Portner, and lived there at the time that Dr. and Mrs. Minor Morris occupied an apartment there. The conduct of Mrs. Morris was such that my wife was compelled to go away from Washington to avoid her. She came into my wife's apartments and called her names; said she was a liar; and my wife was afraid of bodily assault. Mrs. J. Ellen Foster, Mrs. Ferguson, Mrs. Parker could all give the same testimony in regard to her.

GEO. G. KNOWLES.

JANUARY 18, 1906.

No. 20.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, January 18, 1906.

Hon. WM. LOEB, Jr.,

Secretary to the President.

MY DEAR MR. LOEB: Had I not been in Canada I should have written you some time ago to tell you what I saw and heard of the incident in which Mrs. Minor Morris recently figured. I was sitting in the Cabinet room with my father, waiting to see the President, when my attention was attracted by an unusual movement near the front door of the Executive Offices. I went to the window, and saw a woman, whom I afterwards learned to be Mrs. Minor Morris. She was screaming at the top of her voice: "Oh, let me stay. Oh, let me stay. I must see the President. Oh, let me stay." An officer on each side of her had hold of her wrist in one hand and had his other arm behind her back. She was evidently resisting strongly, principally by holding back, but was compelled to walk with the officers. I saw her from near the front door until she passed out of sight at the corner of the terrace. During that time she did not cease to scream and resist, but she did not fall nor was she dragged. I said to my father that it was evidently some poor woman who was demented. It seemed to be obviously the right and kind thing that she should be removed from public observation as quickly as possible. I saw no unnecessary roughness, nor do I see how the officers could have acted more gently than they did in view of the woman's determined resistance. While she was within my observation no one touched her but the two officers on each side.

Very sincerely, yours,

GIFFORD PINCHOT.

No. 21.

Mr. Price, of the Washington Times, states that Mrs. Morris, on the occasion of a call on her since her experience at the White House, handed him an envelope marked "Do not open here;" that he held it until he had reached the Treasury, where he opened it and found that it contained \$10 and a memorandum that it was to be used for cigars; that he returned it to her with a note, saying he could not accept it.

He also stated that Mr. Mitchell, of the Star, had been given \$10 by Mrs. Morris since her call at the White House, and that he, too, had returned it to her.

JANUARY 20, 1906.

No. 22.

HEADQUARTERS OF POLICE,
Washington, D. C., February 16, 1906.

THE PRESIDENT: After an investigation of the facts concerning the maintenance of the arrest of Mrs. Minor Morris on the exterior of the Executive Office, at the White House, on the 4th day of January, 1906, the testimony of witnesses goes to show that an interior office guard, who stated that he was directed to arrest Mrs. Morris, enlisted the aid of an officer on the outside, and that the two proceeded by the most expeditious and least exposed way to dispose of the unfortunate case.

The information procured reveals the fact that repeated appeals were made to Mrs. Morris to proceed without trouble, but that she threw herself down in a sitting position, kicked the officers, and placed more than her ordinary weight upon them, who sustained her to the extent that she would not be dragged or injured. That directed to arrest, they obeyed, avoiding as much friction as possible.

Mrs. Morris expressed appreciation of the manner in which she was treated at the house of detention, and, I am informed, forfeited security for her appearance at court on the charge of disorderly conduct.

Respectfully,

RICHARD SYLVESTER,
Major and Superintendent.

No. 23.

February 25, 1903.—Ella McCloy, 43 years of age, was taken into custody by Private Jamison, of the White House guard, at 10.30 o'clock a. m. Had \$200,000 claim to settle with the President; to report case of abortion; wanted to blow off the head of the President; was violently disposed. Sent to the asylum.

June 17, 1903.—Magdalena Heier, 62 years of age, was taken in charge, having been sent to Major Sylvester from the White House, where she went to see the President concerning a law suit, and, according to her statement, was a former inmate of an asylum at Buffalo, N. Y. Wanted an order to the court from the President.

August 1, 1904.—Omelia Bergsdine, 55 years of age, was brought to headquarters by Richard Taylor, of the secret service. Went to the

White House to warn the President he would be poisoned if he went to Chicago. Had sent telegram of the same purport to the President a year before. Sent to Baltimore.

September 23, 1904.—Matilda Stewart, 42 years of age, proceeded to the White House and was arrested by Private Dyer. She claimed to be a missionary appointed by the Lord: wanted the President to assist in having a grand excursion out of Washington. Said the Lord directed her to see the President.

May 15, 1905.—Josephine B. Parkman, 41 years of age, was restrained by Private Fields at the White House. Imagined she had been in the woods ten days and nights. Insisted on seeing the President to tell him her troubles. Troubled with religious mania. Sent to asylum.

May 29, 1905.—Jane H. Steinniger, 64 years of age, was taken in custody by Guard James Ciscle at the White House, where she said she had an engagement with the President relative to a million dollars' worth of land she owned, but it was under water. Turned over to friends.

October 4, 1905.—Mary J. Hurst, 53 years of age, from Boston, was arrested by Mr. Sloan, of the secret service, at the White House. She claimed to have been persecuted for several years by the Roman Catholics and Protestants and Masons because she was a spiritualist; all because she wanted to marry the chief of the Massachusetts State police. Anxious to see the President to secure his aid against her persecutors.

October 8, 1905.—Nadage Doré, 24 years of age, arrested by Sergeant Harrison in front of St. John's Church for violating regulations as to the distribution of printed matter—circulars. Was examined as to her mental soundness. Had persisted in seeing the President; had created a scene in New York during service, so reported from there. Left the city at the instance of Simon Wolf, who made himself responsible.

October 10, 1905.—Mrs. Lucy G. Lee, 45 years of age, while at the White House was taken in custody by Secret Service Agent Sloan; was known at Oyster Bay by her importunings, using the name of Assistant Secretary Barnes in securing meals, etc. She remarked that it was no one's business what she wanted to see the President about. Turned over to her relations in New York.

November 16, 1905.—Maud Strothers, 24 years of age, was arrested by Private Ogle at the White House; claimed to have been sent for by Mrs. McKinley. When told Mrs. McKinley was not there, she immediately demanded to see the President. Imagined she owned all the property on the north side of Massachusetts avenue. Sent to asylum.

December 14, 1905.—Lydia Dean was taken by Secret Service Agent Tyree and sent to the house of detention on the supposition that she was mentally unbalanced; was released by direction of Secretary Loeb.

No. 24.

WASHINGTON, April 19, 1906.

MY DEAR SENATOR BURROWS: In response to your request, I will state that I had a slight acquaintance with Mrs. Minor Morris a few years ago, during the time she resided in the apartment house where my home then was. Her general deportment in the house was that of a lady, but I noticed that she was at times subject to outbursts of excitement, sometimes amounting to a passion, almost rage. I was myself at one time the innocent occasion of such an outburst. I think she considered me a friend. I certainly had only kindly feelings toward her. But upon this occasion she quite lost control of herself, and in the public hall I was subjected to an assault of words wholly uncalled for and very painful to myself.

Yours, sincerely,

J. ELLEN FOSTER.

Hon. J. C. BURROWS,
United States Senate, Washington.

MINORITY REPORT.

WASHINGTON, D. C., April 26, 1906.

In my judgment, the majority of the subcommittee do not take the proper view of this case. The President has nominated Mr. B. F. Barnes to be postmaster of this city. Senator TILLMAN, of South Carolina, has lodged with the subcommittee written charges, four in number, as shown by Exhibit A to this paper. If the charges are true, it will scarcely be questioned that the nomination should be rejected by the Senate. The charges are, in effect, denied by the nominee, and thus a clear issue is raised which can only be determined by testimony in some form.

The case of Mr. Barnes is supported by unsworn statements of himself, the officers who are jointly charged with him with misconduct, and some other parties. Some of these statements, however, are conflicting on material points, and other testimony would assist in bringing out the true facts in the case. Mr. Barnes has so far made no answer whatever to the charge that he was instrumental in having Mrs. Morris held on a charge of insanity.

On January 17, 1906, in a speech in the Senate, Senator TILLMAN submitted the statement which Mr. Barnes gave to the press, as shown by Exhibit B to this paper. In the same speech he attacked the accuracy and truthfulness of this statement and offered to prove that the true facts are those shown in Exhibit C to this paper, which, so far as they go, are substantial; those suggested in the formal charges which are before the subcommittee and apparently consist of the statement of one of the proposed witnesses.

There is raised, therefore, as has been said, a sharp issue on the facts. On this issue the nominee has submitted the unsworn statements which have been mentioned. Senator TILLMAN suggests that Mrs. Minor Morris, whose forcible removal from the Executive Offices is in question, will voluntarily appear before the subcommittee and give testimony, to be taken down by a stenographer in full for the use of the Senate, but that, as she is an interested party, this would be of no great value in the investigation unless the witnesses he names, all of whom reside in this city and are disinterested, are called to testify. These witnesses, Senator TILLMAN informs the subcommittee, decline to appear and testify unless subpoenaed, because they are journalists, whose business might be affected adversely if they volunteered. From the statements of Senator TILLMAN it appears that these witnesses will testify to the truth of the charges he has preferred and will flatly contradict the statements made by the nominee and some of those whose version of the occurrences has been given.

The subcommittee is consequently confronted with a case where charges have been preferred against a nominee of the President for postmaster of this city; where the charges are serious, and if true should defeat the nomination; where the witnesses to the truth of the

charges are named and are within easy reach of process; where the witnesses are reputable gentlemen and probably will testify that the charges are substantially true; and where the witnesses decline to appear voluntarily for reasons which do not seem to be frivolous, but such as are entitled to respectful consideration.

It is my opinion that the subcommittee should be authorized to investigate the case fully and thoroughly, and to this end should be empowered to send for persons and papers, administer oaths, and employ a stenographer. Under existing conditions, although advised that such testimony is obtainable, the subcommittee can not report definitely the true facts. In order that the Senate may perform its full duty under the Constitution, the course here suggested is necessary and essential.

Very respectfully,

C. A. CULBERSON.

EXHIBIT A.

UNITED STATES SENATE,
Washington, D. C., April 13, 1906.

Hon. THOMAS H. CARTER,

Chairman of Subcommittee on Post-Offices

and Post-Roads, United States Senate.

SIR: I hereby notify you that I desire to protest against the confirmation of Benjamin F. Barnes as postmaster for the city of Washington, and ask permission to appear before the committee with witnesses, whose names are hereto annexed, to prove the following charges showing Mr. Barnes's unfitness for the office:

1. That Mr. Barnes is lacking in gentlemanly and manly consideration for ladies, which caused him to abuse his authority so far as to order the expulsion from the Executive Offices of Mrs. Minor Morris on January 4, 1906, without any justification or good reason therefor.

2. That having issued the order, he stood by and saw it executed in a most brutal and outrageous manner without interference, compelling the policeman to drag, and finally, with the aid of a negro employed at the White House, to carry her, with the negro holding her by the ankles and with her limbs exposed, the entire distance from the Executive Offices at the western end of the White House to the eastern exit, where she was thrust into a cab and sent to the house of detention, by which brutal treatment her life was endangered and health seriously impaired from shock and injuries received.

3. That after this tyrannical and outrageous abuse of his authority he lodged charges of insanity against Mrs. Morris and compelled her to remain in prison for more than four hours, thus adding insult to injury and producing in the public mind impressions derogatory to both her reputation and her mental condition.

4. That he made a statement to the press which was full of falsehoods and which proves him to be lacking in that integrity and high character which a high Government official should have.

The following are the witnesses I would like to have examined:

- (1) Mr. Walter E. Clark, 1417 G street, Washington, D. C.
- (2) Mr. Robert H. Hazard, 501 Fourteenth street, Washington, D. C.
- (3) Mr. I. C. Norwood, the Star office, Washington, D. C.
- (4) Mr. James H. Price, the Times office, Washington, D. C.
- (5) Mr. Henry C. Biggs, New York World office, Washington, D. C.
- (6) Mr. Elmer E. Paine, Associated Press, Washington, D. C.
- (7) Mr. Jules Guthridge, 1713 Riggs place, Washington, D. C.

Very respectfully, yours,

B. R. TILLMAN.

EXHIBIT B.

Statement of Mr. Barnes to the press.

STATEMENT MADE AT WHITE HOUSE.

In view of the inaccurate statements appearing in the press concerning the case of Mrs. Minor Morris, Assistant Secretary Barnes to-day made the following statement:

"Mrs. Morris called at the Executive Office yesterday about 1 o'clock and asked to be allowed to see the President. At the time Secretary Loeb was engaged with the President, and Mr. Barnes saw her. Upon inquiry as to the nature of her business she stated with considerable reluctance that her husband had been unjustly dismissed from a branch of the War Department; that she did not propose to have anything to do with the Secretary of War concerning it, but that she wanted the President to take it up and see that justice was done.

"She was informed that the President could not give personal attention to such a matter, and that the decision of the Secretary of War would be final. She insisted that she must see the President, and when told that that was out of the question, she asserted in boisterous manner that she would not be prevented from seeing him, and that she would remain where she was for a month, if need be, unless she saw him sooner.

"She was allowed to remain for some moments. When Mr. Barnes returned to the reception room shortly after he found her pacing excitedly up and down the room and informed her as quietly as possible that she could not see the President and that it would be useless for her to remain longer. She replied in a loud voice that she would see him and that she would stay there until she did. She was then advised to drop the matter and go away quietly.

"This, in still louder tones, she refused to do. She was then told that she must either leave the office at once voluntarily or it would be necessary to have her put out of the building. At this she shrieked at the top of her voice, 'I will not be put out,' rushed to a chair, threw herself into it and shouted: 'Don't you have any hands laid on me; I am going to stay here until I see the President.'

"SCREAMS ECHOED THROUGH MANSION.

"Mrs. Morris's piercing shrieks were heard throughout the building, and it became necessary in the interest of order to have her removed. She was accordingly taken in charge by a police officer, who had witnessed the whole affair. He asked her to go with him quietly. She refused and told him that if she was removed she would have to be dragged every step of the way. Before applying force the officer asked her three times to leave the office quietly. She shrieked her refusal to each request and was then led from the room.

"She struggled violently with two police officers, striking, kicking, and biting them, all the way from the office building to the eastern entrance of the White House. As soon as she was outside of the office building she threw herself on the ground, and it became necessary to carry her. The officers repeatedly asked her to stand up and walk quietly with them, so that they would not have to use force, but she refused to do so and defied them in shrieks that were heard throughout the White House.

"She was finally removed to police headquarters, where she was

charged with disorderly conduct. After her arrest she produced an envelope addressed to the President, which she asked to have delivered to him. This envelope was found to contain a lengthy poem on the subject of insomnia, which she said was her own composition. She stated to the officers that she had not slept for seven nights past.

"There is no truth whatever in the statement made by many of this morning's papers that a negro laid hold of Mrs. Morris and assisted in carrying her. One of the colored messengers of the office followed the policemen and gathered up such small articles as were dropped in the woman's struggles, but there was no other foundation whatever for the statement."

EXHIBIT C.

Statement proposed to be proved by Senator Tillman, and is apparently that of one of the witnesses he asks to have examined.

Coming in from lunch at 1 o'clock, I noticed in the general lobby, near Mr. Loeb's door, a lady, whom I afterwards found out to be Mrs. Minor Morris, sitting very quietly, evidently waiting to see one of the secretaries. I entered the press room and engaged in a general conversation with three newspaper men who were in there. The door to the press room is always open, and as the hour was near the President's lunch hour everything was unusually quiet in the lobby. Very suddenly we heard a loud exclamation which sounded like "Oh, no, no; don't do that." All of us jumped to the door and entered the main room, where we found a secret-service officer and Officer Frech in the act of pulling the woman out of the chair in which she was sitting. Prior to this we had heard no loud voice, and I am positive there was no boisterous conduct. A word spoken above an ordinary tone would have reached our ears very easily. The men pulled the woman to the door, where Officer Murphy relieved the secret-service man. Their object was to get her to the guardroom, just opposite the Treasury building. To do this they had to carry her down the path leading to the basement of the White House and through the long corridor used during the receptions. Before going 20 feet Mrs. Morris fell to her knees, but was jerked to her feet and dragged on. Before they disappeared from sight she must have fallen six or eight times. Just before disappearing through the archway leading to the basement, I saw a negro man, Charlie Reeder, the President's footman, rush out and pick her up by the heels. The last I saw of Mrs. Morris she was being carried off like a sack of salt, with the negro at her feet and her dress hanging above her knees. I went around to the guardroom and saw Mrs. Morris literally thrown into an awaiting cab.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. SCOTT. I yield to the Senator from Idaho for a conference report.

Mr. HEYBURN. Mr. President, I ask the Senate now to proceed to the consideration of the conference report on Senate bill 88.

Mr. SCOTT. I yield to the Senator from Idaho providing there is no discussion of the conference report.

Mr. GALLINGER. If the Senator is willing to yield to me, I wish to make a brief statement. I will occupy only a few moments.

Mr. SCOTT. Certainly.

Mr. GALLINGER. Mr. President, the Senator from South Carolina gave some figures that rather startle me as chairman of the Committee on the District of Columbia. While I have no jurisdiction over the police of this District, it is my duty and my privilege to try to have as good laws here and to have them as well administered as possible. The Senator stated that last year there were 865 internal-revenue tax receipts issued in the District, while there were 540 places that paid a license under the general law, leaving 315 places that had internal-revenue tax receipts which did not have licenses under the excise laws of the District. If that be so, it is a bad showing for the District and ought to be looked into and will be looked into. I think, however, that there is an explanation, and that when all the facts are known the discrepancy will practically disappear.

I chance to know, Mr. President, because I have received a letter from the major and superintendent of police on this subject, that all proper efforts are seemingly being made to have the excise laws strictly enforced.

The chief of police said to me that this matter had been called to the attention of the prosecuting officers of the District, and that they replied that the fact that an internal-revenue tax receipt had been procured by a party was simply evidence of his intention to sell, but that it would not be considered in a court of law as proof of a sale; that the police force, if they undertook to proceed against such parties, would have to prove that there had been sales, and that they had witnessed the sales, and he said that they had not been able to procure this testimony.

I know that Major Sylvester did address a letter to Lieutenant Amis, who is one of his trusted officers, calling his attention to this matter, and asking him to instruct the officers under him to make diligent inquiry along this line and report to him all infractions of law that were discovered. I do not know how thoroughly this has been done, but I think the chief of police has been anxious to have all illicit sales in the District stopped. How diligent his inferiors may have been in the matter I am not prepared to say.

I have been told, Mr. President—I know nothing personally about the matter—that the excise laws of this District are

being very well enforced. Such testimony has been given to me not only by residents of this city, but by parties from other cities who have come here to inquire into the matter with a view to bettering the conditions in their own cities if they could get any useful hints in Washington. I trust such is the fact. I certainly would deprecate the existence of such a condition as the Senator from South Carolina has referred to, and as chairman of the Committee on the District of Columbia I should feel myself remiss in my duty if I did not make still further inquiry concerning it, which I certainly shall do.

Mr. TILLMAN. Mr. President, I merely want to add a word in the way of explanation. The Senate knows I have been too busy to make any investigation of my own. I merely sent to two sources of official information. While I know it is universal almost that more people pay \$25 to the Government for the privilege of retailing than ever take out any license in any city or county or State, this seemed to be such a remarkable disparity that I felt constrained to present it to the Senate and let an investigation discover whether or not it is merely some explainable difference.

Mr. GALLINGER subsequently said: I intended to say in my former remarks that, in my opinion, the discrepancy largely arose from the fact that all drug stores and dealers in proprietary medicines must have internal-revenue tax receipts, while they do not take out excise licenses, and that fact alone will explain almost entirely the discrepancies between the figures as stated by the Senator from South Carolina. I have taken occasion to verify what I thought at the time was probably the fact, but which I failed to mention, and am pleased to learn that my supposition was correct.

Mr. TILLMAN. Whether that explains it or not, I am entirely satisfied that the Senator from New Hampshire will make such investigation to satisfy himself and the Senate whether or not the police are as negligent and good for nothing here as they appear to be.

Mr. GALLINGER. I will certainly look into the matter.

PURE-FOOD BILL.

Mr. HEYBURN. I ask that the conference report on the pure-food bill be laid before the Senate for consideration.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Chair lays before the Senate the conference report on the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes. The question is on agreeing to the report.

Mr. BAILEY. My attention was diverted for a minute. Did I hear the Chair say that it required unanimous consent, or was it on a motion that the conference report was to be taken up?

The VICE-PRESIDENT. The Senator from Idaho asked that it be laid before the Senate, and the Chair inquired if there was objection.

Mr. BAILEY. Unless I am too late, I wish to object.

The VICE-PRESIDENT. If the Senator's attention was diverted, the Chair will again submit the question. Is there objection?

Mr. BAILEY. I object.

Mr. HEYBURN. I move that the report be laid before the Senate.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

Mr. BAILEY. Mr. President, I asked that the conference report should be laid over until I could have an opportunity to examine it. The Senator from Idaho did lay it over, but for such a brief time that I have not yet finished reading it. Immediately after it was presented I was called from the Chamber by one of my constituents, and before I had finished with him I was called back here. I have read even a part of the bill only hurriedly, and I venture to say that is as much as any other Senator in this body has done. I protest against that way of passing legislation as important as this.

If this bill does no more than prohibit interstate commerce in articles of food and drink composed of poisonous ingredients, ingredients injurious to the health of the people, then it is well within Federal power, and I would cheerfully support it. But if it undertakes to go into the States and determine whether or not the States can control the sale, either in original or broken packages, of articles injurious to the health or morals, then it transcends the power of the General Government and invades the reserved and proper powers of the States.

I do not know, and I venture to say that Senators generally outside of the conferees do not know, whether this conference report has corrected or removed that objection. Therefore, it seems to me that we would better delay, if it is necessary to delay, the adjournment of Congress than to legislate upon these important matters in such haste as this. This conference committee's report seems to have been ordered printed on the 27th of June, and none of us were able to obtain it until this morning. Since we were able to obtain it we have all been so engrossed in matters currently occupying the attention of the Senate that for one I have not been able to examine the report, and I feel that I am safe in saying that other Senators and nearly all of the Senators are in a similar condition.

It seems to me that the conferees could well allow the report to go over until to-morrow morning. If they have removed the objection which I entertain—whether it is entertained by any other Senator or not—they can pass their bill without delay. I believe they can pass it without opposition. But if there is to be no other Senator here who will oppose it I shall resist it to my utmost if upon examination I find that it assumes to the General Government power to withhold from the States the right to deal as they see fit with the sale of injurious food products in either original or broken packages.

I hope the conferees will agree that the report may go over until to-morrow morning, so that all of us, at least those of us who feel disposed and have the time, can take it with us to-night and carefully examine it. The Senators will not dispute the importance of the measure. They deem it of vast importance from their view point, and I concur in that. But it is still more important from my point of view; in other words, it is important in order to prevent interstate commerce in poisonous and deleterious articles of food and drink, but it is still more important that the Federal Government shall not usurp the power of the States. In either view this bill is worth a night's delay, and I sincerely hope the conferees will agree to it.

Mr. McCUMBER. Mr. President, the Senate has already passed a pure-food bill. The House then, instead of passing its own bill, which had been introduced in the House, took the Senate bill and amended it. They amended it by striking out all after the enacting clause and inserting in lieu thereof a wholly new bill. It so happened, though, that the provisions of the House bill differed in only a very few respects from the provisions of the Senate bill, and those differences were mainly in separate sections. So when the conference committee met they took the House amendment as the basis, and as any Senator will see, after reading the bill over, the Senate conferees accepted those portions of the House amendment which were substantially the same as the Senate bill, and the House receded from portions in their bill which differed from the Senate bill. So practically we have back before us, although not in the same form, in substance almost wholly the Senate bill as it passed the Senate. At least there is nothing extending the force of the bill. There is nothing making it broader or protruding it over State lines in any manner.

We sought in the Senate bill to keep clearly within the provisions of interstate commerce and to avoid going into the State and coming in conflict with the police power of the State. We have retained every provision practically the same as it was in the bill when it passed the Senate.

Now, what have we eliminated from this bill? Senators will remember that the House measure provided for the fixing of standards, and it called to the assistance of the Secretary of Agriculture certain experts who were to aid him in determining what the standard should be, and also provided that the standards so established by them should be for the guidance of the court. The Senate has always contended that the power to fix standards should not be given to any man, and the House conferees receded from that portion of the House amendment, and it goes out.

The next provision in the House amendment was one which provided for obtaining samples and compelling those who deal in interstate commerce in certain food and drug articles to furnish upon payment the articles which they were selling, for the purpose of having them analyzed. That provision is also stricken out, and the further clause which provides for punishment.

The only thing left, then, with respect to which there was any disagreement was next to the last section in the bill. The Senate bill provided that it should go into effect on the 1st of July. The House measure provided that it should go into effect immediately upon its passage and approval, with the exception of punishment in the case of misbranding. The Senate conferees and the House conferees could not agree upon that proposition, and so in the compromise it was provided that the act should go into effect upon the 1st day of January, 1907.

I can assure the Senator from Texas that he will find that the bill is now no broader in reference to the powers granted to deal with food products as it comes from the conference than it was when the Senate passed the bill, and in some respects it is limited to a considerable extent.

However, for my part I am willing to say—and I think probably the chairman of the committee will agree with me—that if there is further time desired to look it over such time will be granted. I thought it best to make this short statement, so as to explain the main differences.

Mr. HEYBURN. Mr. President, I have not the slightest objection to the matter going over until to-morrow morning. I did not intend to deprive any Senator of ample opportunity to inspect the provisions of the bill, and with the understanding that it goes over until after the routine morning business to-morrow morning, I will allow it to pass over for the day.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16 and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, and 77, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the words "and with their legislative consent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out the words as proposed and also the word "canals" following them and insert in lieu thereof the words "main canal;" and the Senate agree to the same.

KNUTE NELSON,
J. H. GALLINGER,
WM. J. STONE,

Managers on the part of the Senate.

J. H. DAVIDSON,
ERNEST W. ROBERTS,
JOHN L. BENNETT,

Managers on the part of the House.

The report was agreed to.

PUBLIC LANDS IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal., which was to strike out all after the enacting clause and insert:

That there is hereby granted to the city of Los Angeles, Cal., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara forest reserves and the San Gabriel Timber Land Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, whenever said city shall have filed, as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth.

SEC. 2. That within one year after the passage of this act the city of Los Angeles shall file with the registers of the United States land offices in the districts where the lands traversed by said rights of way

are located, a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act; but no construction work shall be commenced on said land until said map or maps have been filed as herein provided and approved by the Secretary of the Interior: *Provided, however*, That any changes of location of said rights of way may be made by said city of Los Angeles, within two years after the filing of said map or maps, by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; and the approval of the Secretary of the Interior of said map or maps showing changes of location of said rights of way shall operate as an abandonment by the city of Los Angeles to the extent of such change or changes, of the rights of way indicated on the original maps: *And provided further*, That any rights inuring to the city of Los Angeles under this act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States land office as provided herein.

SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however*, That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant.

SEC. 4. That the city of Los Angeles shall conform to all regulations adopted and prescribed by the Secretary of Agriculture governing the forest reserves, and shall not take, cut, or destroy any timber within the forest reserves, except such as may be actually necessary to remove to construct its power plants and structures, poles and flumes, storage dams and reservoirs, and it shall pay to the Forest Service of the Department of Agriculture the full value of all timber and wood cut, used, or destroyed on any of the rights of way and lands within forest reserves hereby granted: *Provided further*, That the city shall construct and maintain in good repair bridges or other practicable crossings over its rights of way within the forest reserves when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works as required by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior, construct and maintain along each side of said right of way a lawful fence as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided further*, That the city of Los Angeles shall clear its rights of way within forest reserves of any debris or inflammable material as directed by the Forester of the United States Department of Agriculture: *Provided further*, That the said city shall allow any wagon road which it may construct within forest reserves to be freely used by forest officers and the officers of the Interior Department and by the public, and shall allow to the Forest Service of the United States Department of Agriculture and to the officers of the Interior Department, for official business only, the free use of any telephones, telegraphs, or electric railroads it may construct and maintain within the forest reserves or on the public lands, together with the right to connect with any such telephone lines private telephone wires for the exclusive use of said Forest Service or of the Interior Department: *And provided further*, That the Forest Service may, within forest reserves, protect, use, and administer said land and resources within said rights of way under forest-reserve laws and regulations, but in so doing must not interfere with the full enjoyments of the right of way by the city of Los Angeles: *And provided further*, That in the event that the Secretary of the Interior shall abandon the project known as the Owens River project for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, examinations, and river measurements, not exceeding \$14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements, and the preference right to acquire at any time within three years from the approval of this act any lands now reserved by the United States under the terms of said reclamation act in connection with said project, necessary for storage or right of way purposes, upon filing with the register and receiver of the land office in the land district where any such lands sought to be acquired are situated a map showing the lands desired to be acquired, and upon the approval of said map or maps by the Secretary of the Interior and upon the payment of \$1.25 per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid, and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid: *Provided, however*, That the terms of this act shall not apply to any lands upon Bishop Creek or its branches in said county of Inyo.

SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements: *Provided, however*, That if construction of said waterworks shall not have been begun in good faith within five years from the date of approval of this act, or if after such period of five years there shall be a cessation of such construction for a period of three consecutive years, then all rights hereunder shall be forfeited to the United States.

SEC. 6. That the city of Los Angeles is prohibited from ever selling or letting to any corporation or individual, except a municipality, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the city.

SEC. 7. That the right to amend, alter, or repeal this act at any time is hereby reserved.

Mr. FLINT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MISSISSIPPI RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate the joint resolution (S. R. 70) providing for the improvement of a certain portion of the Mississippi River, returned from the House of Representatives on the request of the Senate.

The VICE-PRESIDENT. The Senator from Illinois [Mr. HOPKINS] entered a motion to reconsider the vote by which the joint resolution was passed. Without objection, the motion to reconsider is agreed to. The joint resolution will be indefinitely postponed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 1166. An act to correct the military record of Peleg T. Griffith;

S. 4185. An act granting an increase of pension to George B. Barnes;

S. 4899. An act granting an increase of pension to Ann Thompson;

S. 5028. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan;

S. 6256. An act to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted it;

S. 6268. An act granting a pension to Helen G. Hibbard;

S. 6301. An act granting an increase of pension to William C. Long;

S. 6359. An act granting an increase of pension to Francis D. Garnsey;

S. 6381. An act granting an increase of pension to John McDonough;

S. 6471. An act granting an increase of pension to Ella E. Kenney;

S. 6492. An act to correct the military record of James Devlin; and

S. 6522. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a railway trestle across tide and shore lands in Controller Bay, in the Territory of Alaska.

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

S. 1291. An act for the relief of James W. Watson;

S. 1476. An act granting certain lands to the town of Tin Cup, Colo., for cemetery purposes; and

S. R. 17. Joint resolution to print the fourth annual report of the United States Reclamation Service.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 1,000 copies of the topical index to the twelve annual reports of the Commission to the Five Civilized Tribes to the Secretary of the Interior.

The message also returned to the Senate, in compliance with its request, the bill (S. 2325) for the relief of James D. Vernay.

The message further announced that the House had passed a concurrent resolution to print 11,000 copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, at Annapolis, Md., etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print and bind for the use of the Treasury Department 500 additional copies of the annual report of the Treasurer of the United States for the fiscal year ended June 30, 1905; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 4313) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes; and it was thereupon signed by the Vice-President.

REPORT OF TREASURER OF THE UNITED STATES FOR 1905.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, for the use of the Treasury Department, 500 additional copies of the Annual Report of the Treasurer of the United States for the fiscal year ended June 30, 1905.

JOHN PAUL JONES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 11,000 copies of the addresses de-

livered at the exercises commemorative of John Paul Jones, at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, to be compiled and published under the direction of the Joint Committee on Printing; 7,000 for the use of the House of Representatives, 3,000 for the use of the Senate, and 1,000 for distribution by the Secretary of the Navy.

FORT CRITTENDEN MILITARY RESERVATION, IN UTAH.

Mr. HANSBROUGH. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from North Dakota?

Mr. SCOTT. I will yield, as I take it for granted that the majority of the Senators have come to the conclusion that they do not want the bill providing for public buildings to pass.

Mr. BAILEY. Leave it to a vote of the Senate and see.

Mr. HANSBROUGH. This is a conference report.

Mr. SCOTT. I yield.

Mr. HANSBROUGH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

H. C. HANSBROUGH,

REED SMOOT,

A. J. McLAURIN,

Managers on the part of the Senate.

JOHN F. LACEY,

F. W. MONDELL,

JOHN L. BURNETT,

Managers on the part of the House.

The report was agreed to.

JAMES D. VERNAY.

The VICE-PRESIDENT laid before the Senate the bill (S. 2325) for the relief of James D. Vernay, returned by the House to the Senate in compliance with its request.

Mr. WARREN. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

JAMES W. WATSON.

The VICE-PRESIDENT laid before the Senate the amendment of the House to the bill (S. 1291) for the relief of James W. Watson, which was, in line 2, after the word "which," to insert "evidence."

Mr. McLAURIN. I move that the Senate concur in the House amendment.

The motion was agreed to.

TINCUP, COLO.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes; which were referred to the Committee on Public Lands.

REPORT OF UNITED STATES RECLAMATION SERVICE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 17) to print the Fourth Annual Report of the United States Reclamation Service, which was to strike out all after the resolving clause and to insert:

That the Director of the Geological Survey be, and he is hereby, authorized to print 4,000 copies of the Fourth Annual Report of the United States Reclamation Service, the cost thereof to be paid out of the reclamation fund.

Mr. CARTER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MISSIONARY BAPTIST CHURCH, ROCK SINK, FLA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1725) granting certain land to the Missionary Baptist Church, of Rock Sink, Fla., which were, on line 4, after the word "to" where it first occurs, to insert "sell and;" in line 4, after the word "convey," to insert "at \$1.25 per acre;" in line 6, after the word "successors," to strike out "in trust;" in lines 6 and 7, after the word "land," to strike out "for use for school, church, and cemetery purposes;" and in line 9, after the word "east," to strike out down to and including the word "States," in line 10.

Mr. MALLORY. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PUBLIC-BUILDINGS BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. SCOTT. Mr. President, it is so long since we laid aside this bill that I scarcely remember just what the discussion was on at the time. But I think the junior Senator from Montana [Mr. CARTER] took exception to the suggestion that was made that the committee would not like to have these items discussed. The contrary is true. We would be glad to have any Senator point out where the committee has erred wherever it has made a change in the amount appropriated by the House. Of course it is not for the committee to say whether the amount shall be restored, but it is for the Senate to say whether or not it shall be restored.

Mr. McLAURIN. I gave notice a while ago that I would move to amend, in line 20, on page 19, by striking out "sixty" and inserting "one hundred."

Mr. SCOTT. We have not yet reached that page.

The VICE-PRESIDENT. The amendment under consideration is on page 4. The Chair will recognize the Senator from Mississippi later on.

Mr. McLAURIN. I beg pardon.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee, which will be stated.

The SECRETARY. In line 22, page 4, strike out "one hundred" and insert "seventy-five;" so as to read:

United States post-office, court-house, and custom-house at Spokane, Wash., \$75,000.

Mr. PILES. Mr. President, I wish to say a word in answer to the observation of the Senator from West Virginia to the effect that \$500,000 has already been appropriated for each of these cities. He is in error in that regard. I have, since this amendment was under consideration, looked into the question. I find that on January 22 the Secretary of the Treasury addressed a letter to the chairman of the Committee on Public Buildings and Grounds in the House with respect to each of these cities. He says:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 22, 1906.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: Referring to your request of the 22d ultimo for a report on H. R. 69, for the increase of limit of cost of site and building at Tacoma, Wash., to \$1,000,000, I have the honor to submit the following:

Act of Congress approved June 6, 1902, provided for a site only and fixed the limit of cost at \$100,000, under which authority a site has been secured.

Act of March 3, 1903, authorized the erection of a building on the said site provided by the previous act, and limited cost of said building at \$400,000.

You are now advised that it is estimated \$800,000 will be sufficient for the erection of a suitable building, including cost of site already acquired.

L. M. SHAW, Secretary.

The same letter was written with respect to the city of Spokane.

So I submit, Mr. President, and it must be clear to all, that in view of the commerce and the growth of these cities \$400,000 is absolutely insufficient to meet the present demand, to say nothing of the large growth of those two cities in the future.

Mr. WARREN. The Senator, I think, is mistaken about the \$400,000. It was \$100,000 for the site, and then \$400,000 for the building, making \$500,000.

Mr. PILES. Yes; and that is exactly the error into which the Senator from West Virginia fell.

Mr. SCOTT. I had the annual report of the Secretary of the Treasury for 1905, and language can not be plainer than is printed on page 22 of that report, as I showed it to the Senator this morning.

Mr. PILES. But if the Senator will let me have that book for a moment I think he will see that it applies \$100,000 to the site and \$400,000 to the building, making \$500,000 in all.

Mr. SCOTT. That is exactly what I claimed this morning and what I claim now.

Mr. PILES. No; I have seen the Senator's remarks.

Mr. SCOTT. The title to the site is vested in the Government now.

Mr. PILES. The Senator's remarks as I took them from the Reporters show—

Mr. SCOTT. The Senator has the advantage of me, for I have not had a copy of my remarks submitted to me. It is hardly fair to do that without giving me a chance to correct my remarks, if I have made a mistake.

Mr. PILES. I call the Senator's attention to the fact that he

is simply in error. I know he would not say anything about the matter that he did not believe to be correct, but he was laboring under the impression from the book, as I was, that \$500,000 was the appropriation for the building. On investigation and reflection I find that is an error.

Now, Mr. President, as I said a while ago, I do not know whether I want to call this question up for a vote or not. I am willing to follow what is the proper procedure in cases of this character. I will submit it to the committee for their investigation, or take a vote, if Senators desire to have the questions in which they are interested voted on.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on line 1, page 5.

Mr. SCOTT. I think the Senator from Utah [Mr. SUTHERLAND] wants to correct the language in lines 17 and 18, page 4.

The VICE-PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. On page 4 the committee amendment inserting lines 17 and 18 reads as follows:

United States post-office at Ogden, Utah, \$120,000.

The Senator from Utah [Mr. SUTHERLAND] proposes to insert, after the word "dollars," the following:

Of which amount the Secretary of the Treasury is hereby authorized, in his discretion, to expend so much as may be necessary for the acquisition of additional land for the enlargement of the site heretofore acquired.

Mr. SCOTT. The committee will accept that amendment to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The Secretary will report the next amendment passed over.

The SECRETARY. On page 5, line 1, after the words "Tacoma, Washington," strike out "one hundred thousand dollars" and insert "seventy-five thousand dollars."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 6, after line 4, to insert "United States post-office at Wichita, Kans., \$50,000."

Mr. SCOTT. Let that amendment be agreed to.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The SECRETARY. The next amendment passed over was, on page 6, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to read:

United States post-office and court-house at Columbus, Ohio, \$300,000.

Mr. FORAKER. I hope the chairman will ask that that may be disagreed to. Columbus, as he knows, is a very important and rapidly growing city, and the post-office facilities there are very inadequate. The plans require an expenditure of \$400,000. This is not an appropriation, as I understand it, but it simply fixes the maximum amount which may be expended in the extension of the post-office building. All the money does not have to be appropriated at this time—perhaps none of it until the next session.

Both this case and the Toledo case, which will be reached in a moment, are cases where I think the chairman might well agree to let the provision stand as the House fixed it. They considered it there very carefully.

Mr. SCOTT. I am sure the Senator from Ohio knows very well that I would be glad to extend to him that courtesy and kindness, but I am only one member of the committee, and this was the unanimous opinion of the committee. I have no right to entertain the proposition to put it back. If the Senator is right, his course is to ask the Senate to restore it.

Mr. FORAKER. I do not want to insist upon it and take the time of the Senate unnecessarily. Something has been said by members of the committee about following the action of the committee, simply giving the committee in our remarks the benefit of our views in regard to provisions so that they may be strengthened by whatever suggestions we submit in representing the Senate. I know it is the tendency of the Senate to follow the recommendations of the committee, and I do not want to invite a vote that would preclude their consideration being favorable to the action of the House when they get into conference.

Mr. PENROSE. I am interested in some items a little later on, and I wish to call the attention of the Senator from Ohio

to this point, that according to my understanding of the parliamentary situation of these amendments, if the Senate sustains the amendments of the committee they are precluded forever hereafter. That is my understanding.

Mr. WARREN. That is not correct.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. Certainly.

Mr. WARREN. I will give my understanding and see if I am right. When the Senate has proposed amendments that are different in amount of appropriation or limit from the House provisions and the formal agreement of the Senate is had, that throws the matter into conference and the conferees have latitude between the higher and lower figures to substitute the higher for the lower, the lower for the higher, or to name a new amount between the two.

I think the remark of my colleague was that where a vote should be had, and the vote of the Senate should declare that the opinion of the Senate is that the lower figure should prevail, and that being the figure of the House, that would make a complete agreement, whereas now a vote sustaining an amendment to increase will put it into conference.

For instance, in the matter the Senator from Ohio was just talking about, the appropriation of \$400,000 was proposed by the House, and the Senate committee proposes to reduce it to \$300,000. The matter of agreement is simply formal. That gives the conference a perfect right to put it at \$400,000 or leave it at \$300,000 or place it anywhere between.

Mr. FORAKER. In view of the spirit in which the suggestions are made, although this is somewhat unusual, referring to my experience here, I will not press the matter for what I want to be the appropriation. I do not wish to make any speech, if there is no necessity for it. I only want Senators to understand that there is an absolute necessity, as it is thought, for an appropriation of \$400,000. The Representative of that district is extremely anxious about it, and in being anxious he only represents the demands of his community.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 8, line 6.

Mr. FULTON. Before passing over page 7, I spoke to the chairman of the committee and he suggested an amendment there. It is not an increase of appropriation, but perfecting the wording, so that the appropriation will be available for the purpose designed. On page 7, in lines 3 and 4, there is the following item:

United States post-office at Salem, Oreg., \$15,000.

In line 4, after the word "dollars," I move to strike out the period and substitute a colon and add the words:

For improving grounds and building approaches.

Mr. SCOTT. There is no objection to that, Mr. President, as I understand the ground is lower there and it needs to be filled in. The committee took the position last night that we have no right to make an appropriation for the purpose of putting in curbing and sidewalks, but this is to fill up ground around the building, I understand.

Mr. FULTON. That is it.

The VICE-PRESIDENT. Without objection, the amendment will be regarded as open to amendment. The Senator from Oregon proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 7, line 4, after the word "dollars," it is proposed to insert "for improving grounds and building approaches."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. I think the Secretary passed the item on page 8, line 5, in regard to the United States post-office and court-house at Peoria.

The VICE-PRESIDENT. That page has not yet been reached.

Mr. PENROSE. I have an amendment to offer at line 22, page 7.

Mr. SCOTT. We have not reached that yet.

The VICE-PRESIDENT. The next committee amendment passed over will be read.

Mr. SCOTT. The Secretary did not read the amendment on page 7, lines 5 and 6, from there down.

The VICE-PRESIDENT. Those amendments were agreed to.

Mr. HOPKINS. They were agreed to.

The VICE-PRESIDENT. The Secretary is reading only committee amendments which were passed over.

Mr. CULLOM. The appropriation for the post-office at Peoria has now been reached.

Mr. PENROSE. I have an amendment to page 7 I should like to offer.

The VICE-PRESIDENT. Is it a committee amendment?

Mr. PENROSE. No; it is not.

The VICE-PRESIDENT. Then it is not in order at this moment. Under the unanimous-consent agreement made in the absence of the Senator the committee amendments are first to be considered. A number of amendments on the first reading were passed over. The Secretary is now reading the amendments which were passed over, and after they are considered the text will be open to amendment.

The SECRETARY. The next committee amendment passed over is, on page 8, line 6, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to read:

United States post-office and court-house at Peoria, Ill., \$150,000.

Mr. CULLOM. Mr. President, I believe that my colleague [Mr. HOPKINS] had something to say about this amendment this morning. I was not in at the time, but I take it for granted that the Senator and myself are very harmonious on the question that the appropriation ought to be \$200,000 at the least amount. It is a very important matter. The building there is some twenty-odd years old. The city has grown to about 80,000 people. We have a court there and various Government offices. I do not see how anybody can think of reducing that appropriation below the \$200,000 provided by the House. The recommendation was for \$350,000. I have a letter on my desk showing the amount.

I do not know what the policy of the committee is with reference to these matters, whether we are to vote on these appropriations as we pass along, or whether we are simply to give information to the committee, so that they may know what to do hereafter. I think the policy has been so far to vote to insert the amount if the Senate desires to do that.

I want to call attention to what the Government business of Peoria is.

Of internal revenue \$100,000 per day, or \$38,000,000 per year, is collected. The customs receipts amount to \$50,000. The central office of the internal-revenue district is there. The Federal court building is there. All the offices are in one small building, and it is impossible to get along without an enlargement. The surveyor of the port and the chief clerk of the railway mail service and assistant have offices in the building. The Supervising Architect of the Treasury recommended in his letter to the House committee February 12, 1906, that \$350,000 should be spent on that building. There is there the largest revenue collected of any internal-revenue district in the United States. The population of Peoria is 80,000, and there are sixteen railroads. The Senate Committee on Public Buildings and Grounds cut the appropriation made by the House bill to \$150,000, which would be inadequate and less than half the estimate of the Supervising Architect of the Treasury.

I think that if there is anything in this bill that ought to be put back to the original amount or increased, this item of Peoria is the one.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 8, line 14, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to read:

United States post-office and court-house at Cedar Rapids, Iowa, \$150,000.

Mr. DOLLIVER. There are in the bill two or three items relating to the repair of public buildings in Iowa and the construction of new buildings in which it is my earnest conviction that the committee has made an error in reducing the House appropriation. I am aware that at this stage of the proceedings it would be idle to undertake to argue the merits of these appropriations. If that should be done with all of them, it is obvious that this bill would be defeated in toto. I feel sure that the committee being furnished with the undisputed facts in all the cases in Iowa to which I have alluded will find no difficulty in affirming the wisdom and justice of the House appropriations. But I do not desire to make any dispute about it now.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 11, line 18, before the word "thousand," to strike out "eighty-five" and insert "sixty-five;" so as to read:

United States post-office and court-house at Ocala, Fla., \$65,000.

Mr. MALLORY. Mr. President, I appreciate the inutility of making any extended effort to change the action of the committee. I also appreciate the difficulties which surrounded the committee in their action in endeavoring to put this bill in shape to make it more or less acceptable.

However, in connection with this matter I desire to state the fact that this appropriation was put in by the House, providing \$85,000 for the construction of a post-office and court-house at Ocala, with a view of complying with the estimates which the Department has made for the building, and the reduction from \$85,000 to \$65,000 will necessitate an entire change as to the character of the building. The site has been purchased and is owned by the Government now.

I have in my hand a letter from the Secretary of the Treasury, addressed to the chairman of the Committee on Public Buildings and Grounds of the House, a portion of which I will read in hopes that it may have some impression on the minds of the gentlemen who will be the representatives of the Senate in the conference:

Referring to your request for a report in connection with H. R. 12711, providing for a suitable building for the use and accommodation of the Federal courts, the post-office, and other Government offices, to be erected upon the site already acquired at Ocala, Fla., at a cost not to exceed \$100,000, I have the honor to submit the following:

It is estimated that a two-story and basement building of 5,200 square feet ground area will be sufficient size to provide accommodations for the court and post-office, which appear to be the only offices requiring space therein. A fireproof building of the dimensions indicated, including heating and ventilation apparatus, fireproof vaults, and approaches can be constructed for \$95,000.

The House allowed \$85,000, but our committee has cut that down to \$65,000.

With regard to the provision contained in said bill that there shall be an open space of at least 40 feet on every side of the building, including streets and alleys, and in view of the peculiar shape of the site which has been purchased by the Government, said property being 100 feet by 238 feet in dimensions, the Department begs to suggest that this portion of said bill be so amended as to permit the Secretary of the Treasury, in his discretion, so to reduce such open space of fire limit as may appear to him to be necessary or expedient.

The House did not deem it necessary to comply with that suggestion.

I submit, Mr. President, that this is a meritorious case, which has already gone to such a point that the amendment adopted by the committee if adhered to would ultimately necessitate an entire change of the programme in regard to that bill.

Mr. SCOTT. Mr. President, as we go along with this bill I do not want the Senate to come to the conclusion that the committee in making these reductions did not have some regard for what they were doing.

This town in the State of my friend from Florida has 3,380 inhabitants. Its postal receipts are \$14,000. The light and fuel cost the Government only \$500 there now. If we appropriate \$85,000 for that small city, counting the money that the Government, we will say, could secure at 2 per cent, it would make the cost of maintaining that building \$1,700, without a public servant to take care of it. When we came to such small cities as that, with the postal receipts so small, the committee thought it wise and economical and only just to reduce some of these amounts.

Mr. MALLORY. Mr. President, I do not care to prolong this discussion. In fact, I should like to facilitate the passage of the bill as much as possible; but I respectfully submit to the chairman of the committee that in cases of this kind the postal receipts are not the only criterion by which the necessity for a public building is to be judged. The United States court is held there, and there is no place for that court to sit, and there is a post-office. If you are to have a post-office and court-house combined you would have a building that would be larger than a building you would put in a town where there is only a small post-office. I do not care to delay the matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 12, line 6, before the word "hundred," to strike out "five" and insert "four;" so as to read:

United States post-office at Des Moines, Iowa, \$400,000.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 12, line 12, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to read:

United States post-office at Webster City, Iowa, \$50,000.

The amendment was agreed to.

The next amendment passed over was on page 13, after line 2, to insert the following:

United States post-office and other Government buildings at San Juan, Porto Rico, \$200,000.

Mr. FORAKER. Mr. President, that is a case which stands on a different footing from any of these others. The Senate passed unanimously, or at least without any objection, a bill appropriating \$300,000 for a building in Porto Rico. That amount was fixed by a careful estimate made by the Supervising Architect as to the kind of building that was necessary, and the cost of that building. I hope that the original amount of \$300,000 may be allowed. I move to strike out "two" and insert "three" before "hundred," and I hope the Senate will sustain me in that.

Mr. GALLINGER. I will ask the Senator what the population of San Juan is?

Mr. FORAKER. I can not state; it is about 40,000 or 50,000; something like that. Has the Senator from West Virginia the population of San Juan?

Mr. SCOTT. I will see in a moment.

Mr. FORAKER. It will be the only building that we will have provided for in Porto Rico.

Mr. NELSON. There are a million people in Porto Rico.

Mr. GALLINGER. What good will a public building at San Juan do people 40 or 50 miles away? It seems to me that \$200,000 is a very liberal appropriation. It is much more than is given to American cities of that size.

Mr. SCOTT. I will say to the Senator from Ohio that the population of San Juan is not given here.

The VICE-PRESIDENT. The amendment of the Senator from Ohio to the amendment will be stated.

The SECRETARY. In line 4, before the word "hundred," to strike out "two" and insert "three;" so as to read "three hundred thousand dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. The next amendment passed over was, on page 13, in line 13, after the word "Ohio," to strike out "five hundred" and insert "three hundred and fifty;" so as to read:

United States post-office at Toledo, Ohio, \$350,000.

Mr. FORAKER. I do not propose to take any vote upon that amendment, but I want to say before we pass it that Toledo, as I said a moment ago of Columbus, is one of the most rapidly growing cities in the country. It had a population of something like 140,000 at the last census, and its population now is something like 180,000.

It is a city that has had inadequate post-office facilities for a number of years. The inadequacy of the post-office building at Toledo is so manifest, and so known to the public authorities, that the Secretary of the Treasury in his annual report took occasion to say—I read from page 40 of his last annual report:

The post-offices at Toledo, Ohio; Atlanta, Ga.; and Des Moines, Iowa, are entirely inadequate to accommodate these growing cities. Sites have been purchased in these cities under appropriations heretofore made, and in each case approximately \$500,000 should be made available to provide suitable post-office accommodations. This amount will not erect an elaborate building, but it will erect a substantial and well-appointed post-office.

There has been heretofore appropriated \$200,000 to acquire a site at the city of Toledo for a new post-office building. A site has been acquired and has been paid for at a cost of \$135,000. The remaining \$65,000 of that appropriation has been turned back into the Treasury; so the only appropriation made for this purpose is for the site, which cost \$135,000 and has been paid for, on which they wish, as I have said, as speedily as possible to erect a new post-office building. The lowest estimate that has been made put it at something more than \$500,000. The House put it at \$500,000, and I think we ought to have that full amount allowed.

In this connection I desire to read for the benefit of the committee and the Senate the following letter:

POST-OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, March 7, 1902.

HON. J. H. SOUTHARD, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: In compliance with your request of to-day to state to you for presentation to the Committee on Public Buildings and Grounds the condition which I observed in the Toledo, Ohio, post-office, on a recent visit to that city, I have to say that I have visited a great number of post-offices throughout the country and have found many of them in a very badly congested condition and in need of greater space for performing the post-office work, but at no post-office which I have visited did I find such a badly arranged and almost impossible condition of transacting public business as I found at Toledo, Ohio. I believe this is also the expression of Postmaster-General Smith, who visited the office prior to my going there.

Respectfully,

EDWIN C. MADDEN,
Third Assistant Postmaster-General.

The letter was written in 1902—four years ago—and conditions have been growing constantly worse, until they have become almost unbearable. In those four years the population has been rapidly increasing and business has been correspond-

ingly increasing, and it has now become a case of absolute necessity. There is no attempt here to get a dollar more than the necessities of the situation require, and I sincerely hope that the men who represent the Senate on the conference committee will bear this in mind, and bring back a conference report, if the House will see fit to insist on what they have provided, which will be acceptable to us in that regard.

I might read at length from other documents to show the necessity for this appropriation, but I know it is growing late and Senators are impatient, because they have so much business to transact, and I therefore submit the matter without further remark.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment passed over was, on page 15, section 8, line 15, before the word "thousand," to strike out "and thirty;" so as to make the clause read:

United States post-office, custom-house, and land office at Eureka, Cal., \$100,000.

Mr. PERKINS. Mr. President, our friends on the Committee on Public Buildings and Grounds have done good work, but they necessarily have been pressed with business and have not had an opportunity to give the consideration to all these matters which they otherwise would. I think in this case they have overlooked this recommendation of the Secretary of the Treasury in a letter written by him January 26, 1906:

It is estimated that a two-story and basement building, having 6,000 square feet ground area, will be sufficient, and that a fireproof building of the dimensions indicated, including heating and ventilating apparatus, fireproof vaults and approaches, can be constructed for \$150,000, exclusive of the cost of site. It is estimated that a suitable site will cost \$25,000 additional.

One of my colleagues in the other House introduced a bill appropriating \$250,000 for this purpose. It was cut down in the House to \$130,000, and now our friends in the Senate committee have cut it down to \$100,000, a sum wholly inadequate to construct a building that comports with the dignity of the town and the business of the Government.

Eureka is situated upon Humboldt Bay. It is a city of 10,000 population. It represents a port of entry and export for over 5,000 square miles of territory. It has a custom-house. Eight hundred and fifty steam vessels entered and cleared from that port during the year 1904, and 400 sailing vessels. It exports over \$4,000,000 of lumber and other products, and it imports articles amounting to \$2,000,000.

Only during the past month a bill has been passed providing for the holding of terms of the United States district court in Eureka. I think our friends have not given it that consideration to which it is entitled. It is only a difference of \$30,000, and I hope the committee may recede from its amendment and agree to restore the amount provided for by the other House.

Mr. KEAN. Mr. President, I merely want to call the attention of the Senate to the modesty of the Senator from California. This large and growing place has a population of 7,700.

Mr. PERKINS. My friend has not been out on the Pacific coast, certainly during the past three or four years. In the last three years the population has very largely increased, and there has been a corresponding increase in the value of property.

Mr. KEAN. And yet, Mr. President, I see the postal receipts for the year 1900 amounted to \$21,382.65.

Mr. PERKINS. We have other business to do besides writing letters. We exported articles to the value of over \$4,000,000 from that port during the past year.

Mr. KEAN. And you want \$250,000 for a building, where the Government now pays \$323.07 for rent, light, and fuel.

Mr. PERKINS. Why, Mr. President, the county of Humboldt, in which Eureka is situated, is larger than the State of New Jersey. [Laughter.] I hope the committee will not insist upon the amendment and will consent that the House provision shall remain.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Public Buildings and Grounds.

The amendment was agreed to.

Mr. MORGAN. There seems to be some misunderstanding as to what disposition was made of the amendment in regard to the post-office at Gadsden, Ala., on page 15, lines 12 and 13.

Mr. WARREN. That has \$60,000 appropriated for it.

Mr. MORGAN. I wish to ask what disposition was really made of that amendment?

The VICE-PRESIDENT. The amendment was agreed to.

Mr. MORGAN. That is what I thought, but there seemed to be some doubt about it.

The next amendment passed over was, on page 17, line 7, be-

fore the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to read:

United States post-office at Moline, Ill., \$65,000.

Mr. CULLOM. I simply desire to say a word in behalf of Moline. I observe that the committee has reduced the amount appropriated by the House for a post-office at that place from \$75,000 to \$65,000. I wish to say that Moline is one of the most thriving cities in the State of Illinois. It is building up very rapidly, and it would be folly to think of erecting a post-office and a Government building in that city for the sum of \$65,000, including as well the purchase of a site. There are 25,000 people there now. The population increases at least 5,000 a year, and the Moline Plow Company and one other establishment there are the largest establishments in the world of that character, as I understand. I call the attention of the chairman and the members of the committee to that city, and I hope when they come to the consideration of this matter in conference they will either put back the amount as it stood originally in the bill as it came from the House at \$75,000, or increase it beyond that.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The next amendment which was passed over was, on page 17, line 15, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to read:

United States post-office at Iola, Kans., \$50,000.

Mr. LONG. Mr. President, in regard to the amendment just read, which reduces the appropriation of \$60,000 for a public building at Iola, Kans., to \$50,000, and a like reduction in the second item following, for a public building at Newton, Kans., I wish to state that both these growing cities in the State of Kansas should have the amounts fixed by the House. The House committee, after very careful investigation, reported appropriations of \$60,000 for buildings in each of these cities, and their recommendations have been approved by the House. I think that both of these cities, growing as they are, should have buildings costing not less than \$60,000 each. I hope the committee of conference will take into consideration the facts in relation to these cities, and agree to restore the appropriations made by the House.

The VICE-PRESIDENT. The question is on the amendment of the committee, which has been stated.

The amendment was agreed to.

The next amendment which was passed over was, on page 17, line 19, before the word "thousand," to strike out "sixty," and insert "fifty;" so as to read:

United States post-office at Newton, Kans., \$50,000.

The amendment was agreed to.

The next amendment which was passed over was, on page 17, line 24, before the word "thousand," to strike out "one hundred" and insert "eighty;" so as to read:

United States post-office and court-house at Bowling Green, Ky., \$80,000.

Mr. McCREARY. Mr. President, when this bill came to the Senate from the House of Representatives the paragraph relating to the Bowling Green public building was as follows:

United States post-office and court-house at Bowling Green, Ky., \$100,000.

The Committee on Public Buildings and Grounds of the Senate reduced that sum to \$80,000.

The Committee on Public Buildings and Grounds of the House of Representatives heard evidence and they received a report from the Treasury Department in reference to that public building. I am informed that the Treasury Department recommended an appropriation of \$100,000.

Bowling Green is one of the most important interior cities in Kentucky; it is in one of the largest and wealthiest counties of Kentucky.

This appropriation is for a post-office and also for a court-house. I will only say, without taking the time of the Senate in arguing in favor of striking out \$80,000, which the Senate committee has reported, and inserting \$100,000, that \$80,000 will not buy a site and erect such a building as we should have in the beautiful city of Bowling Green.

Mr. President, I ask that \$100,000 be restored in the bill as it came from the House of Representatives for United States post-office and court-house at Bowling Green, Ky.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee. [Putting the question.] By the sound the "ayes" have it. The "ayes" have it, and the amendment is agreed to.

Mr. SCOTT. I shall have to call for a division on that.

Mr. BLACKBURN (to Mr. Scott). Your amendment was agreed to.

The VICE-PRESIDENT. The Chair understands the Senator from West Virginia demands a division.

Mr. KEAN. Let the amendment be again stated.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 17, line 24, before the word "thousand," it is proposed to strike out "one hundred" and insert "eighty;" so as to read:

United States post-office and court-house at Bowling Green, Ky., \$80,000.

The VICE-PRESIDENT. Upon that the Senator from West Virginia demands a division.

Mr. SCOTT. I understood the Chair to rule that "eighty" was stricken out and "one hundred" inserted.

The VICE-PRESIDENT. The Chair said, "The question is on agreeing to the amendment. All in favor of the amendment will say 'aye,' opposed 'no.' The 'ayes' have it, and the amendment is agreed to."

Mr. BLACKBURN. Was it the amendment offered by the committee?

The VICE-PRESIDENT. The committee amendment was agreed to, which strikes out "one hundred" and inserts "eighty."

Mr. BLACKBURN. I so understood.

Mr. McCREARY. Mr. President, I offered an amendment to strike out "eighty" and insert "one hundred."

Mr. GALLINGER. The Senator can not do that.

The VICE-PRESIDENT. It was necessary to disagree to the amendment of the committee, and that is what the Senate refused to do. The question was on agreeing to the committee amendment, and the Senate refused to disagree.

Mr. McCREARY. I want to say what I have already indicated, that the amount to be allowed for the public building at Bowling Green was, I think, carefully considered in the House of Representatives, and \$100,000 was agreed upon. I want to say also that I am informed by a member of the Committee on Public Buildings and Grounds of the House of Representatives that the Treasury Department wrote a letter in favor of the appropriation of \$100,000 for a post-office and court-house building at Bowling Green, and I am sure that \$100,000 should be appropriated for the United States post-office and court-house at Bowling Green.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. McCREARY. I ask the Senate to vote down the committee amendment.

The amendment was agreed to.

Mr. McCREARY. I offered an amendment to strike out "\$80,000" and insert "\$100,000," as provided in the bill as it passed the House.

The VICE-PRESIDENT. That was not in order.

Mr. McCREARY. Then I ask for another vote on this proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment passed over was, on page 18, line 6, before the word "thousand," to strike out "sixty-five" and insert "forty;" so as to read:

United States post-office at London, Ky., \$40,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment passed over was, on page 18, line 10, before the word "thousand," to strike out "seventy-five" and insert "twenty-five;" so as to read:

United States post-office and court-house at Owensboro, Ky., \$125,000.

The VICE-PRESIDENT. The question is on agreeing to the committee amendment.

Mr. McCREARY. There are strong reasons why the committee amendment should not be agreed to. The item as reported by the committee reads:

United States post-office and court-house at Owensboro, Ky., \$125,000.

When the bill came to the Senate from the House of Representatives the amount was \$175,000. The city of Owensboro has about 20,000 population. There is a collector of internal revenue there, and a Federal court is also held there. I am informed that the Treasury Department recommended an appropriation of \$220,000 for a building in that city. There is at present at Owensboro a public building. I am informed, however, that it has been condemned and that the Federal court is no longer held in that building, but is held in the county court-house. The Federal building at Owensboro at present is not adequate to the business. The business has greatly increased.

In 1889, or about twenty years ago, when the first building was constructed they had 1 postmaster, 1 assistant postmaster, and 2 clerks. Now they have there 1 postmaster, an assistant postmaster, 6 clerks, 8 city carriers, and 6 rural-route men, making in all 20 persons. The amount of revenue collected has very greatly increased, and it is absolutely necessary that there should be another building there. In the House of Representatives the amount allowed, as I said before, was \$175,000. That amount was allowed after a most careful examination; but the committee of the Senate reduced it to \$125,000. I hope the amount named in the House bill, when it comes to the Senate, will be retained by the Senate and that the Senate will disagree to the Senate amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment passed over was, on page 18, after line 13, to insert:

United States post-office at Versailles, Ky., \$25,000.

Mr. SCOTT. I withdraw my objection to that amendment.

The VICE-PRESIDENT. The objection is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment passed over was, on page 18, line 19, before the word "thousand," to strike out "and twenty-five;" so as to read:

United States post-office and court-house at Lake Charles, La., \$100,000.

Mr. FOSTER. Mr. President, I trust the committee amendment will not prevail, though in making that statement I plead guilty to a good deal of temerity after the experience of those who have protested against the action of the committee in reducing the appropriations in some instances made by the House of Representatives. I am convinced, Mr. President, that the committee did not fully apprehend the facts when they recommended this amendment. The original appropriation of the House provided for the purchase of a site and the erection of a public building for a court-house and for a post-office.

Lake Charles is one of the most thriving and flourishing cities of my State. The statistics show that the population has increased from 1890 to 1906 from 3,443 to 11,102. The assessments within that period have increased from \$480,000 to nearly \$3,500,000. The appropriation provided in the bill as it came from the House will simply, in my judgment, purchase a site to erect a building adequate for public purposes and for the future needs of that growing city.

I do not know what standard the committee has adopted in recommending these appropriations, but I do know that many appropriations in the bill of equal amount have not the merit in them that the appropriation for Lake Charles has.

I have always thought, Mr. President, that every dollar in the Public Treasury comes out of the pockets of the people, and I will never lend myself directly or indirectly to taking a dollar out of the Public Treasury unless I believe it is for the public welfare, the public interest, or in payment of some obligation due by the Government. I state frankly to the Senate that I would not for a moment ask that this amendment of the committee be rejected unless I felt that the appropriation made by the House, and which the committee reduced, is for the welfare of the public and in the advancement of the public interest. I therefore hope, Mr. President, that the amendment of the committee will not be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. SCOTT. The Senate will allow me to call attention to the fact that we are not one-third through with this bill. It will have to be reprinted and it must go to the House, and if, as some Senators suggest, we shall adjourn to-morrow evening, we will never pass this bill.

The next amendment which was passed over was, on page 20, line 15, before the word "thousand," to strike out "two hundred and twenty-five" and insert "one hundred and fifty;" so as to read:

United States post-office, court-house, and land office at Great Falls, Mont., \$150,000.

Mr. CARTER. Mr. President, I fully sympathize with the desire of the chairman of the committee to hasten through this bill, and I would not ordinarily detain the Senate for one moment on this item. I feel, however, that the reduction in this case was made without consultation by the members of the committee to the extent necessary to thoroughly understand the item.

In 1900 the Senate passed a bill appropriating \$200,000 for a public building at Great Falls, which is the commercial center

of an empire. The business of the Government extending over 1,000 miles along the Canadian border is transacted at Great Falls. A building is to be provided for a United States court, for a custom-house, for a land office, and for the accommodation of the post-office and the internal-revenue office. The Supervising Architect of the Treasury made an estimate of \$240,000 as the cost for constructing an adequate building at this place.

He estimated \$25,000 as the cost of the site, thus making \$265,000 as the Treasury estimate. The bill as it came to the Senate appropriated only \$225,000. That amount has been reduced to \$150,000 by the Senate committee.

I submit that it will be quite impossible to provide a building necessary for a court-house, customs service, post-office, land department, and internal-revenue service at this important point for the amount of money here fixed as the maximum limit of the building.

Mr. President, I do not wish to detain the Senate at this late hour by calling for a ye-and-nay vote, but I do make this statement for the benefit of the conferees on the part of the Senate: Either strike this item out of the bill entirely or give us an adequate limit for the construction of a building suitable to the purposes intended. I can not conceive how the Senate, after passing a bill appropriating \$225,000 for this purpose within a week, can now change its position and appropriate only \$150,000 for the same purpose.

I submit, Mr. President, without asking for a ye-and-nay vote, that the agreement to the committee amendment be considered entirely formal in this case, and I sincerely trust that it will be so considered in the conference.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The next amendment which had been passed over was, on page 21, after line 17, to insert:

United States post-office at East Liverpool, Ohio, \$100,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 21, line 22, after the word "Ohio," to strike out "one hundred" and insert "ninety;" so as to make the clause read:

United States post-office at Marietta, Ohio, \$90,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 22, after line 2, to insert:

United States post-office at Baker City, Oreg., \$65,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 22, after line 4, to insert:

United States post-office at Eugene, Oreg., \$50,000.

Mr. FULTON. Mr. President, I shall not, in view of the experience of others, make any attempt to have this appropriation increased. I simply want to say that, in my judgment, the amount is very inadequate. But I am very thankful for the favor received. I hope when the conference committee restores or partially restore the amounts which have been reduced in other cases, it will give us a corresponding increase in this item.

Mr. SCOTT. As the bill came to the Senate from the House, Oregon was not provided with any appropriation whatever. But we realized the fact that the Representative from that State was unavoidably absent, and we took care of the Senator from Oregon.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment which had been passed over was, on page 23, line 8, before the word "thousand," to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

United States post-office and other governmental offices at Lead, S. Dak., \$75,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 23, line 10, before the word "thousand," to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

United States post-office and land office at Mitchell, S. Dak., \$75,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 23, line 12, before the word "thousand," to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

United States post-office and land office at Watertown, S. Dak., \$75,000.

The amendment was agreed to.

The next amendment which had been passed over was, at the bottom of page 25, to strike out:

United States post-office at Gadsden, Ala., \$10,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 26, line 8, before the word "thousand," to strike out "twenty" and insert "ten;" so as to read:

United States post-office at Greenwich, Conn., \$10,000.

Mr. BRANDEGEE. Mr. President, I do not propose to offer any amendment or to ask the Senate to disagree to the committee amendment, but as this item came from the House they provided \$20,000 for the site. I think the committee were confused in their estimate of the population of that place. The table prepared by the committee says there is a population of 2,400 there, but that is the population of the borough of Greenwich, which is included within the town. By the last census, as given by the Connecticut Register and Manual, the town of Greenwich has a population of over 12,000.

I am very certain it will be impossible to purchase a proper site in Greenwich for \$10,000, in view of the fact that the last section of the bill provides that there must be at least 40 feet of open space on each side of the building, and the building would have to be at least 40 feet wide. That would be a tract of land in the town of Greenwich 120 feet front on one of the main streets of the town, and the appropriation is limited to \$10,000. If the amendment is insisted on, the item may as well go out of the bill, in my opinion. The amount which was stated in the bill as it came from the House, \$20,000, was the judgment of the Representative from that district, Mr. HILL, who has just sailed for Europe, and I thought it just to him that these facts should be stated to the conferees for such action as they may see fit to take.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment which had been passed over was, on page 28, after line 2, to insert:

United States post-office at Decorah, Iowa, \$5,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 30, line 1, after the word "Montana," to strike out "twenty" and insert "ten;" so as to read:

United States post-office at Missoula, Mont., \$10,000.

Mr. CARTER. Mr. President, I desire to say to the committee that the amount appropriated in this case is utterly inadequate to purchase a site at Missoula. Missoula is the commercial center of a region of country much larger than most of the States in the Union. It is a center of great commercial activity and likewise an important center for the business of the United States Government. The Treasury Department, after a careful investigation, reported that \$30,000 would be necessary to secure a site at that place. I am somewhat conversant with the growth of the city and the price of real estate, and I say to the Senate that if the sum agreed upon by the House—\$20,000—is permitted to stand the citizens would be compelled, as they have been in most cases where sites are purchased, to contribute a considerable portion of the purchase price.

I sincerely hope the Senate conferees will in conference permit the item as passed by the House to stand.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment which had been passed over was, on page 31, line 25, before the word "dollars," to strike out "one million" and insert "eight hundred thousand;" so as to read:

United States post-office at Pittsburg, Pa., \$800,000.

Mr. PENROSE. Mr. President, I ask that the committee amendment be not agreed to. I will ask the chairman of the committee whether he can not recede from that amendment?

Mr. SCOTT. I would be only too glad to accommodate my genial friend the Senator from Pennsylvania, but I am only one of a committee of twelve, and the committee thought best to cut down the appropriation from a million dollars to \$800,000. I would have no right individually to withdraw the amendment.

Mr. PENROSE. Mr. President, I desire to call the attention of the Senate and of the committee to the fact that land values are high in Pittsburg, because the business portion of the city lies between the hills in a kind of pocket. The present public-building site cost the Government \$300,000, and it would bring to-day almost \$3,000,000 at public sale. The receipts this year of the Pittsburg post-office will be over \$2,000,000. The departments of the Government now situated in various portions of the city are to be gathered together in the old building after

the new building is constructed. I am informed that seven employees of the Government died last year within four months on account of ill health directly attributable to the condition of the present post-office building.

The Senator from West Virginia [Mr. SCOTT], chairman of the Committee on Public Buildings and Grounds, is as familiar as anybody with the conditions at Pittsburg—the condition of the present building and the urgent necessity of having this amount put back to the House figure, which is small enough.

I have here a communication from the Secretary of the Treasury, in which he says, in part:

It is estimated that a one-story and basement building of 55,000 square feet ground area will be sufficient, and that a fireproof building will cost \$950,000. A nonfireproof building will cost \$875,000.

With regard to the cost of site, you are advised that the Department has no definite knowledge with regard thereto, but from information received from the postmaster, it appears that a suitable site will cost from \$1,300,000 to \$2,300,000.

The legislature of Pennsylvania recently enacted a law providing for what is known as the "Greater Pittsburg," consolidating the present city of Pittsburg with the city of Allegheny and certain surrounding suburbs, which will make a city, after it has been ratified by a vote of the people, of nearly a million inhabitants and will rank as one of the five or six cities in size in the country.

I earnestly hope that the committee, when this bill gets into conference, will put back the amount provided by the House.

Mr. SCOTT. I should like to ask the Senator, while he is on his feet, so that other Senators may have the benefit of the information, to explain about the court-house and the post-office building in Pittsburg, which cost \$1,642,000 and was occupied in 1901 and is comparatively a new building.

I am thoroughly familiar with Pittsburg and know of its great manufacturing industries. It is near my home, being only sixty-odd miles off. They are all my friends in Pittsburg, and I should like to do what is right and proper, but I wish the Senator would give us in a few words the reason why they have to abandon this new post-office building.

Mr. PENROSE. If the Senator will permit me to correct him, the date that he refers to is 1891, not 1901.

Mr. SCOTT. Eighteen hundred and ninety-one, I should have said.

Mr. PENROSE. Ten years prior.

Mr. SCOTT. The mint was in 1901.

Mr. PENROSE. It was ten years prior to the date indicated by the Senator from West Virginia.

Pittsburg may be said to be the industrial center of America, and the growth of that locality in population and industrially has not been approached even by any other part of the American continent. In the last ten years the progress transcends imagination. The Senator from West Virginia is familiar with it as well as I am, and I think he will withdraw his suggestion after his attention is called to the fact that he is wrong by ten years with respect to the date of the occupation of the building.

Mr. SCOTT. I will simply suggest, even if I was mistaken, and if it was the mint which was occupied in 1901, that if we are to build for a city a \$2,000,000 post-office building every ten years, it will become quite an item.

Mr. PENROSE. The citizens, I see by the report of the supervising architect, contributed \$46,176.30 for the purchase of a site, the building on which was occupied in 1891. The ground was condemned thirty years ago.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment which had been passed over was on page 32, line 2, before the word "thousand," to strike out "twenty-five" and insert "fifteen;" so as to read:

United States post-office at Punxsutawney, Pa., \$15,000.

The amendment was agreed to.

The next amendment which had been passed over was on page 32, to strike out lines 7 and 8, as follows:

United States post-office at York, Pa., \$75,000.

Mr. WARREN. I think the chairman of the committee will agree with me that that was an error.

Mr. SCOTT. Yes; that clause is to remain in the bill.

Mr. PENROSE. I have a substitute to offer. I do not know whether it is now in order.

Mr. SCOTT. We proposed to restore the House provision on this subject.

Mr. PENROSE. But I want to increase the amount.

Mr. SCOTT. We overlooked it.

Mr. PENROSE. I give notice at this time that I shall offer an amendment increasing the amount for York, and shall ask

the chairman of the committee to agree that it be inserted in the bill and be considered in conference.

Mr. SCOTT. After we are through with the committee amendments to the bill, that will be in order.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. KEAN. I ask the Senator from West Virginia if he expects to finish this bill very shortly.

Mr. SCOTT. I will say to the Senator from New Jersey—

Mr. WARREN. It will not take ten minutes more.

Mr. SCOTT. It will take only a few minutes, and then I will yield to the Senator from Illinois [Mr. CULLOM].

Mr. KEAN. The Senator from Illinois and others have spoken to me about an executive session, for which they are very anxious, and we are to take a recess at 6 o'clock.

Mr. CULLOM. It will be 6 o'clock before we get through with this bill.

Mr. SCOTT. I hope the Senator from Illinois will allow us to get through and to have the bill reprinted and let it go to the House.

Mr. CULLOM. I should like to see that done, but it can not be done before 6 o'clock.

Mr. SCOTT. Very well.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

NATURALIZATION OF ALIENS.

Mr. DILLINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out the words "one year" where they occur in said amendment and insert in lieu thereof "two years;" and the Senate agree to the same.

WM. P. DILLINGHAM,

BOIES PENROSE,

A. J. McLAURIN,

Managers on the part of the Senate.

ROBERT W. BONYNGE,

BENJ. F. HOWELL,

JOHN L. BENNETT,

Managers on the part of the House.

RECESS.

The VICE-PRESIDENT. Under the unanimous consent agreement the Senate takes a recess until 8 o'clock this evening.

The Senate thereupon (at 6 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

REGULATION OF RAILROAD RATES.

Mr. ELKINS. Soon after the submission of the report of the majority of the Committee on Interstate Commerce on the railroad-rate bill I asked leave to file a report on the part of the minority, which I do now, asking permission to add some additional figures and data, and I ask that when it is prepared it shall be printed.

The VICE-PRESIDENT. As a document?

Mr. ELKINS. As a document.

The VICE-PRESIDENT. Without objection it is so ordered.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the unfinished business be informally laid aside, and that the general deficiency appropriation bill, being House bill 20403, be taken up.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily

laid aside, and that the general deficiency bill be proceeded with. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

PUBLIC BUILDINGS BILL.

Mr. HALE. I ask that the formal reading be dispensed with, and that the amendments of the committee be acted upon as they are reached in the reading.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for the consideration of amendments, and that the committee amendments be first considered. Without objection, it is so ordered.

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. HALE. As the public-buildings bill has not been completed, I will yield for a few minutes in order that the Senator from West Virginia may finish his bill. I can not yield long.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The VICE-PRESIDENT. The Secretary will report the next amendment of the Committee on Public Buildings and Grounds which was passed over.

The SECRETARY. The next committee amendment passed over was, on page 32, line 24, before the word "thousand," to strike out "twenty-five" and insert "ten;" so as to make the clause read:

United States post-office at Bellingham, Wash., \$10,000.

The amendment was agreed to.

The SECRETARY. The next committee amendment passed over was, on page 33, line 2, before the word "thousand," to strike out "twenty" and insert "ten;" so as to make the clause read:

United States post-office and land office at North Yakima, Wash., \$10,000.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 37, in the item for Grand Rapids, Mich., line 9, after the word "exceed," to strike out "five hundred" and insert "four hundred and fifty;" so as to read:

At a limit of cost for said building of not to exceed \$450,000.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 40, to strike out section 18, in the following words:

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Oklahoma: *Provided*, That \$50,000 heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition, by purchase, condemnation, or otherwise, of a site only at Oklahoma City, Territory of Oklahoma.

The amendment was agreed to.

The VICE-PRESIDENT. This completes the amendments of the committee.

Mr. KEAN. I offer an amendment to come in at the end of the bill as a new section.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 24. That the northerly portion of the Government reservation bounded by B street north, B street south, Seventh street west, and Sixth street, in the District of Columbia, known as Armory Square, comprising that portion of said square north of a line established for the south front of the buildings for the new National Museum and the new Department of Agriculture, be, and is hereby (subject to the approval of the Secretary of War), selected and dedicated as a site for an armory for the National Guard of the District of Columbia, after the removal of the buildings and tracks of the Baltimore and Potomac Railroad Company from said square.

That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

Mr. BURKETT. I should like to ask the Senator from New Jersey if that includes any part of the Mall. I did not catch just the location. I know about where it is.

Mr. KEAN. No; not at all. It runs back to it.

Mr. CULBERSON. I dislike very much to do so, but I ask that the amendment be again read.

The VICE-PRESIDENT. The Secretary will again read the amendment at the request of the Senator from Texas.

Mr. SCOTT. I hope the Senator from Texas will not ask that this long amendment be again read. The Senator from Maine kindly yielded for a few minutes, and any delay may put this bill over. The amendment does not carry any appropriation at all. It simply gives a site, provided the Secretary of War wants to do it, to put up an armory. That is all it does.

Mr. CULBERSON. Has the amendment been submitted to the Committee on the District of Columbia? Have we a report from any committee upon it, I should like to ask the Senator from New Jersey?

Mr. KEAN. I do not care expressly about it, if it is going to create any discussion whatever.

Mr. CULBERSON. At least some of the members of the District Committee on this side of the Chamber have not heard of this amendment.

Mr. KEAN. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. GALLINGER. On page 46, section 25, I ask that the committee amendment be reopened that I may add another park to that provision.

The VICE-PRESIDENT. Without objection, the Chair will regard it as open to amendment.

Mr. GALLINGER. In line 16, after the word "park," let the word "and" be stricken out; and after the word "park," in line 17, insert "and the so-called 'Montrose tract.'"

This is just an addition.

The VICE-PRESIDENT. Section 25 was stricken out and a substitute agreed to.

Mr. SCOTT. The Senator from New Hampshire will remember that there was an amendment to section 25.

Mr. GALLINGER. I have discovered it. I will ask that after the word "parks," in the substitute, the words "and the so-called Montrose tract on Georgetown Heights for a park" be added.

The SECRETARY. After the word "parks" in the amendment already agreed to, page 46 of the bill, insert "and the so-called Montrose tract on Georgetown Heights for a park," and strike out the word "and" after the word "sites."

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be agreed to.

Mr. GALLINGER. The Senate passed a bill for this purpose.

Mr. CLAY. As I understand the Senator, this simply means that the committee to be appointed by the presiding officer of the Senate—

Mr. GALLINGER. That is all—that they shall investigate the question.

Mr. CLAY. That they will investigate and report at the next session of Congress.

Mr. GALLINGER. That is all. The Senate passed a bill for this park.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. GALLINGER. Now I desire to say just a word in reference to this park question.

Mr. DICK. Mr. President, I desire to offer an amendment.

Mr. HALE. I shall be obliged to go on with the deficiency appropriation bill if amendments are to be offered.

Mr. PENROSE. I have a number of amendments to offer that I intend to insist shall be deliberately considered by the Senate.

Mr. HALE. I do not object. I have the deficiency bill up, and only yielded for a few moments with the assurance that the public-buildings bill would go through. I do not wish to interfere with the Senator, but I ask that the deficiency appropriation bill be proceeded with.

The VICE-PRESIDENT. Does the Senator from Maine object to the consideration of the amendment just proposed by the Senator from Ohio?

Mr. HALE. Several Senators have amendments to offer. I simply ask that the deficiency appropriation bill, which is before the Senate, be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

- H. R. 5509. An act for the relief of Russell Savage;
- H. R. 6963. An act granting a pension to William P. Knowlton;
- H. R. 9238. An act for the relief of William Saphar; and

H. R. 19364. An act granting an increase of pension to Anna Ring.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907; insists upon its disagreement to the amendments of the Senate Nos. 24, 30, 147, and 153, insisted upon by the Senate; insists upon its amendment to the amendment of the Senate No. 29, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

- H. R. 2997. An act for the relief of Capt. Sidney F. Shaw;
- H. R. 3357. An act granting an honorable discharge to James B. Mulford;
- H. R. 3393. An act granting an honorable discharge to Gallen E. Green;
- H. R. 3498. An act for the relief of Stephen M. Honeycutt;
- H. R. 3507. An act to correct the military record of George H. Keating;
- H. R. 4279. An act to correct the military record of Wilbur C. Stephens;
- H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisniewski;
- H. R. 5951. An act for the relief of William H. Beall;
- H. R. 7014. An act to provide American registers for the steamers *Marie* and *Success*;
- H. R. 7235. An act granting an increase of pension to Abel W. Payne;
- H. R. 7676. An act authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy;
- H. R. 7741. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy;
- H. R. 8631. An act for the relief of James M. Darling;
- H. R. 8375. An act for the relief of John B. Ford;
- H. R. 8966. An act to set apart certain lands in the Territory of Arizona as a public park to be known as the "Petrified Forest National Park";
- H. R. 9577. An act for the relief of Charles H. Stockley;
- H. R. 11153. An act to correct the military record of Robert B. Tubbs;
- H. R. 11932. An act to grant American registry to the brig *Homeward Bound*;
- H. R. 11978. An act to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T.;
- H. R. 12105. An act for the relief of Thomas Ross;
- H. R. 13122. An act to correct the military record of John Allen;
- H. R. 13142. An act for the relief of Daniel B. Murphy;
- H. R. 13669. An act to provide for raising Commodore Perry's flagship *Niagara*;
- H. R. 13895. An act to correct the naval record of Michael Sheehan;
- H. R. 14634. An act for the relief of George H. Chase;
- H. R. 15027. An act to remove the charge of desertion against Cornelius O'Callaghan;
- H. R. 15673. An act for the relief of Harry A. Young;
- H. R. 16659. An act to correct the military record of Tobe Holt;
- H. R. 16670. An act to indemnify Edgar P. Swett;
- H. R. 15909. An act to reward the widow and minor son of Capt. Charles W. Dakin, and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport *Meade*;

H. R. 18007. An act to authorize the appointment of acting assistant surgeon Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy;

H. R. 18380. An act to complete the naval record of Charles W. Held;

H. R. 19500. An act for the relief of the Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignees of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin;

H. R. 19611. An act granting an increase of pension to Jacob Kinkler;

H. R. 20019. An act restricting the right of entry under the desert-land law to surveyed public lands, and limiting the right of assignment of such entries; and

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

S. 1211. An act to correct the military record of John Alspaugh;

S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

S. 2433. An act to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890;

S. 4256. An act for the relief of the Alaska Short Line Railway and Navigation Company's Railroad;

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army;

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans and the method of construction;

S. 6300. An act providing when patients shall issue to the purchasers of certain lands in the State of Oregon;

S. 6355. An act concerning licensed officers of vessels;

S. 6365. An act granting a pension to Edward S. Bragg;

S. 6375. An act granting lands to the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6444. An act to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate;

S. 6463. An act waiving the age limit for admission to the pay corps of the United States Navy in the case of Frank Halway Atkinson;

S. 6483. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa;

S. 6488. An act authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin;

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the rules and specifications for grading lumber, adopted by the various lumber manufacturing associations of the United States; and

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the Platt National Park.

GENERAL DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 4, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries, charges d'affaires ad interim," for the fiscal year 1906, \$300.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 4, after line 18, to insert:

Office of the Commissioner of Internal Revenue: The legislative, executive, and judicial appropriation act for the fiscal year 1907, approved

June 22, 1906, as printed in the form of "Public—No. 267," is hereby amended by inserting in line 6 of the paragraph making appropriations for the Office of the Commissioner of Internal Revenue on page 22, after the word "at" the word "two."

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

Office of the Supervising Architect: The services of skilled draftsmen, civil engineers, computers, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed during the fiscal year 1907, in addition to those now authorized, only in the office of the Supervising Architect exclusively to carry into effect the various appropriations for the construction of public buildings, to be paid for from and equitably charged against such appropriations: *Provided*, That the additional expenditures on this account for the fiscal year ending June 30, 1907, shall not exceed \$125,000, and that the Secretary of the Treasury shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

To pay the day inspectors of customs of the port of New York the difference between the per diem salary of \$4 paid them during the months of October, November, and December, 1905, and their proper per diem salary for the same period (\$5 per diem), in accordance with the act of Congress approved December 16, 1902, \$31,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "six," to strike out "\$144.72" and insert "\$1,751.67," so as to make the clause read:

Transportation of silver coin: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of silver coin," for the fiscal year 1906, \$1,751.67.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

Umpqua River life-saving station, Oregon: For establishing a telephone line from the Umpqua River life-saving station, Oregon, to a point at the mouth of the Siuslaw River, \$5,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to insert:

Accounts of Francis A. Macon: Authority is hereby granted the proper accounting officers of the Treasury to allow a credit of \$1,194.19 in the accounts of Col. Francis A. Macon, disbursing officer, North Carolina organized militia, being the amount disallowed by the accounting officers of the Treasury in his disbursing accounts covering the encampments for the years 1903 and 1904.

The amendment was agreed to.

The next amendment was, on page 9, after line 21, to insert:

Louisiana Purchase Exposition Commission: To reimburse Claude Hough for services performed and expenses incurred as stenographer and clerk for the Louisiana Purchase Exposition Commission, \$357.50.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 11, line 3, after the words "(certified claims)," to strike out "\$2,599.25" and insert "\$2,657.66;" so as to make the clause read:

To pay amounts certified to be due by the accounting officers of the Treasury on account of the appropriation "Redemption of stamps" (certified claims), \$2,657.66.

The amendment was agreed to.

The next amendment was, on page 11, line 8, after the words "(certified claims)," to strike out "\$6,845.20" and insert "\$7,780.77;" so as to make the clause read:

To pay amounts certified to be due by the accounting officers of the Treasury on account of the appropriation "Refunding taxes illegally collected" (certified claims), \$7,780.77.

The amendment was agreed to.

The reading was continued to line 23, on page 13.

Mr. OVERMAN. I notice that in the public buildings bill there is an appropriation of \$375,000 for the subtreasury at San Francisco, and here on page 13, line 22, I notice an appropriation of \$30,000 for the subtreasury there. I should like to understand how those two appropriations are made in separate bills.

Mr. HALE. This item was put in at the request of the Department. I know nothing about the item in the public buildings bill.

Mr. OVERMAN. The public buildings bill appropriates \$375,000 for the subtreasury at San Francisco.

Mr. FLINT. The answer to the Senator's question is that the appropriation of \$30,000 is for the purpose of repairing the present building, which was destroyed by earthquake and fire. It is simply for the temporary repair of the building. The appropriation in the public buildings bill is for a new building adjoining the present site.

The reading of the bill was continued. The next amendment was under the head of "District of Columbia," on page 23, after adjoining the present site.

Health department: For additional amount required for the necessary traveling expenses of sanitary and food inspectors while traveling outside the District of Columbia for the purpose of inspecting dairy farms, milk, and other dairy products, \$100.

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to insert:
For additional amount required for isolating wards for minor contagious diseases at Garfield Hospital, \$1,200.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to insert:
Any balance of the appropriation of \$2,500 for installing new baths in workhouse buildings at the Washington Asylum, provided for in the District appropriation act approved March 3, 1905, which may remain unexpended after the completion of said work, is hereby made available for installing water-closets, urinals, and stationary wash basins in said buildings.

The amendment was agreed to.

The next amendment was, on page 25, line 1, after the words "seventy-five," to insert "eight hundred and eighty-three," and in line 4, before the word "cents," to strike out "forty-seven dollars and thirty-five" and insert "sixty-three dollars and twenty;" so as to make the clause read:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Nos. 861, 875, 883, 897, and 907 of this session, \$69,663.20, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 27, after line 19, to insert:

Rochambeau statue: To pay DeB. Randolph Kelm for compiling, preparing, indexing, and superintending through the press of an account of the ceremonies attending the unveiling of the monument to Count de Rochambeau, on account of the entertainment of the foreign visitors and preparation of a commemorative sketch of the services of the French in America, \$1,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

Payment to Texas: To reimburse to the State of Texas, in full settlement of all claims of any nature whatever on account of moneys actually expended by that State during the period of time between February 28, 1855, and June 21, 1860, in payment of State volunteers or rangers called into service by authority of the governor of Texas, in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States, as ascertained under the act of Congress approved March 3, 1905, and certified in Senate Document No. 169 of this session, \$375,418.94.

The amendment was agreed to.

The next amendment was, on page 30, after line 21, to insert:

Return of funds to citizens of Cebu, P. I.: For the return to the proper owners of certain funds taken from certain citizens of the Island of Cebu, P. I., and through misunderstanding deposited in the Treasury of the United States as "miscellaneous receipts," \$8,886.31.

The amendment was agreed to.

The next amendment was, under the head of "Military Establishment," on page 33, after line 11, to insert:

NAVY DEPARTMENT.

Office of Judge-Advocate-General, United States Navy: For additional amount for salary of the solicitor, assistant to the Judge-Advocate-General, as provided in the naval appropriation act for the fiscal year 1907, \$1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 44, after line 11, to insert:

Naval War College, Rhode Island, buildings: The unexpended balance of the appropriation of \$6,500 for altering the building formerly belonging to training station and fitting the same for occupancy by officers of the Naval War College, Rhode Island, made by the naval appropriation act for the fiscal year 1905, and the unexpended balance of the appropriation of \$2,000 for furniture for officers' quarters in building No. 10, formerly belonging to training station, made by the naval appropriation act for the fiscal year 1906, are hereby reappropriated and made available for making necessary repairs and alterations to the buildings of the Naval War College at Newport, R. I.

The amendment was agreed to.

The next amendment was, at the top of page 45, to insert:

Naval training station, Newport, R. I.: To replace detention buildings at the training station, Newport, R. I., destroyed by fire on January 28, 1906, to be utilized in segregating recruits, including mess hall, mess and galley outfits, laundry, wash rooms, latrines, and other necessities to make the same habitable and sanitary; in all, \$94,321.

The amendment was agreed to.

The next amendment was, under the subhead "Navy, miscellaneous," on page 5, after line 23, to insert:

To reimburse Lieut. George T. Emmons, United States Navy, for commutation of quarters while serving on duty, under the Senate Committee on Territories, in Alaska and Washington from May 27, 1904, to March 31, 1905, amounting to \$320.40, which, by an error in the wording of his orders, has been deducted from his pay by an order of the Treasury Department.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior" on page 51, after line 8, to insert:

OFFICE OF SUPERINTENDENT OF THE CAPITOL.

To reimburse William H. Green for loss of time and doctor's fees on account of injury from an accident while employed at the House of Representatives Office Building, \$250.

The amendment was agreed to.

The next amendment was, on page 51, after line 13, to insert:

To reimburse John Brady for loss of time and for doctor's fees on account of injury from accident while employed under the Superintendent of the United States Capitol Buildings and Grounds in 1905, \$250.

The amendment was agreed to.

The next amendment was, on page 51, after line 18, to insert:

For necessary improvements in the Senate kitchen, including laundry, refrigeration, construction of cold-storage room, metal tables, lockers, kitchen furniture, and ovens for baking, etc., not exceeding \$17,000.

The amendment was agreed to.

The next amendment was, under the subhead "General Land Office," on page 53, line 1, after the word "thirty-two," to insert "and Senate Document No. 513;" and, in line 2, after the word "session," to strike out "\$2,268.87" and insert "\$2,714.04;" so as to make the clause read:

For payment to certain United States deputy surveyors for surveys and resurveys of public lands executed by them in certain States, necessary to complete the surveys under their contracts, being the amounts found due them by the Commissioner of the General Land Office, in accordance with the rates as authorized in the acts making appropriation for the survey and resurvey of public lands for the fiscal years in which the work was executed, as fully set forth in House Document No. 632 and Senate Document No. 513 of this session, \$2,714.04.

The amendment was agreed to.

The next amendment was, under the subhead "Indian affairs," at the top of page 58, to insert:

To enable the Secretary of the Interior to return twenty-two pupils heretofore in the United States Indian school, Carlisle, Pa., to their respective homes in Alaska, \$3,705, or as much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, after line 5, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Riverside, Cal.," for the fiscal year 1906, \$1,244.49.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 63, after line 17, to insert:

For payment to Walter L. Stowell, of San Francisco, Cal., in full settlement for loss sustained by burglary of the stamp office in the post-office at San Francisco, Cal., \$1,374.

The amendment was agreed to.

The next amendment was, under the head of "Out of the postal revenues," on page 64, after line 17, to insert:

To pay George W. Fleming, of Adrian, Mich., for services as letter-box inspector at Adrian, Mich., from March 29, 1902, to June 13, 1903, \$1,073.35.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 66, after line 22, to insert:

Salaries and expenses, special attorneys, examiners, and so forth, Bureau of Corporations: The unexpended balance of the appropriation of \$125,000, made in the legislative, executive, and judicial appropriation act approved February 3, 1905, for compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents for the purpose of carrying on the work of said Bureau as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe in lieu of subsistence, at a rate not exceeding \$4 per day, to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations, while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares, and fees and mileage of witnesses, is hereby reappropriated and made available for the fiscal year ending June 30, 1907.

The amendment was agreed to.

The next amendment was, on page 67, after line 20, to insert:

For the care of the fish ponds in the Monument grounds, the ground around them and the buildings upon the same, during the fiscal year ending June 30, 1907, \$300: *Provided*, That when said ponds, ground, and buildings are abandoned by the Bureau of Fisheries the officer in charge of public buildings and grounds is authorized to assume control of them and of any balance of the sum hereby appropriated that may remain unexpended at the date of said transfer.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 71, after line 13, to insert:

To pay Robert Brent Mosher for use of his plates in printing, for the use of Congress, 1,500 copies of the Executive Register of the United States, 1789 to 1902, \$1,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 18, to insert:

SENATE.

For stationery and newspapers for Senators and the President of the Senate and for stationery for committees and officers of the Senate, \$2,500.

The amendment was agreed to.

The next amendment was, on page 71, after line 22, to insert:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, \$500.

The amendment was agreed to.

The next amendment was, on page 71, after line 24, to insert:
For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$6,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 5, to insert:
For miscellaneous items, exclusive of labor, \$5,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 7, to insert:

To pay the widow of the Hon. Arthur Pue Gorman, late a Senator from the State of Maryland, \$5,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 10, to insert:

To reimburse the Official Reporters of the Proceedings and Debates of the Senate for expenses incurred from March 4, 1905, to March 4, 1906, for clerk hire and other extra clerical services, \$4,740.

The amendment was agreed to.

The next amendment was, on page 72, after line 15, to insert:

To pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, \$750.

The amendment was agreed to.

The next amendment was, on page 72, after line 18, to insert:

To pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, \$1,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 20, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, \$100 for the first session of the Fifty-ninth Congress.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 74, line 8, after the word "Anthony," to strike out "Mechalek" and insert "Michalek;" so as to read:

Anthony Michalek, \$2,000.

The amendment was agreed to.

The next amendment was, on page 78, after line 5, to insert:

EXECUTIVE.

Committee on Department Methods: For salaries or compensation of persons not otherwise employed by the United States, and needed in the service of the Committee on Department Methods, appointed by the order of the President June 2, 1905, \$5,000, to be expended only for service rendered in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States Courts," on page 78, line 23, before the word "of," to insert "and Senate Document No. 515;" so as to read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Documents Nos. 628 and 853, and Senate Document No. 515 of this session, and which have not been appealed, namely:

The amendment was agreed to.

The next amendment was, on page 79, line 5, after the word "Department," to strike out "\$5,411.85" and insert "\$5,719.35;" so as to make the clause read:

Under the Navy Department, \$5,719.35.

The amendment was agreed to.

The next amendment was, on page 79, line 10, to increase the total appropriations for the payment of final judgments and decrees, United States courts, from \$11,613.50 to \$11,921.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 70, line 20, after the words "fifty-nine," to insert "and Senate Document Numbered —;" so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 859 and Senate Document No. —, namely:

The amendment was agreed to.

The next amendment was, on page 79, line 23, to increase the appropriation for the payment of the judgments rendered by the Court of Claims, under the Treasury Department, from \$33,144.90 to \$33,177.68.

The amendment was agreed to.

The next amendment was, on page 79, line 26, to increase the appropriation for the payment of the judgments rendered by the Court of Claims, under the War Department, from \$70,199.33 to \$150,609.13.

The amendment was agreed to.

The next amendment was, on page 80, line 4, to increase the appropriation for the payment of judgments rendered by the Court of Claims, under the Navy Department, from \$8,118.03 to \$9,342.37.

The amendment was agreed to.

The next amendment was, on page 80, line 9, to increase the appropriation for the payment of judgments rendered by the Court of Claims, under the Department of Justice, from \$14,446.68 to \$16,098.14.

The amendment was agreed to.

The next amendment was, on page 80, line 12, to increase the appropriation for the payment of judgments rendered by the Court of Claims, under the Department of Commerce and Labor, from \$430.56 to \$1,202.47.

The amendment was agreed to.

The next amendment was, on page 80, line 17, to increase the total appropriation for the payment of judgments rendered by the Court of Claims from \$216,304.73 to \$300,485.02.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Auditor for the Post-Office Department," on page 90, after line 6, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1903 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. —, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For payment of judgments against internal-revenue officers, \$3,126.30.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, \$438.86.

For incidental expenses, Quartermaster's Department, \$184.70.

For transportation of the Army and its supplies, \$694.50.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For contingent and miscellaneous expenses, Hydrographic Office, 83 cents.

For pay of the Navy, \$13,571.08.

For pay, miscellaneous, \$374.

For pay, Marine Corps, \$1,750.29.

For indemnity for lost property, naval service, act March 2, 1895, \$57.20.

For destruction of clothing and bedding for sanitary reasons, \$59.57.

For enlistment bounties to seamen, \$166.67.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For Geological Survey, \$7.31.

For transportation of Indian supplies, \$5.50.

For investigating Indian depredation claims, \$19.50.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For expenses, Bureau of Animal Industry, \$6.50.

For fees of commissioners, United States courts, \$4.55.

For fees of jurors, United States courts, \$26.

For support of prisoners, United States courts, \$11.20.

The amendment was agreed to.

The next amendment was, on page 92, after line 18, to insert as a new section the following:

SEC. 4. The owner or owners, citizens or aliens, of any ship or vessel, foreign or domestic, and the owners of the cargoes laden thereon, and the owners of any property on board thereof, may, and they are hereby authorized and empowered to, sue the United States in any United States district court in which the parties so suing, or any of them, may reside, or in which the cause of action may arise, sitting as a court of admiralty, and acting under the rules governing such courts, for any damage, loss, or injury to such ship or vessel, or her owner or owners, or to the owners of any cargo laden thereon, or of any property on board thereof, arising from or attributable to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision; and the said district court is hereby authorized to enter a judgment or decree for the amount of such injury, loss, or damage, if any shall be found due, against the United States, in favor of such owners, upon the same principles and measure of liability, with costs, as in like cases in the admiralty between private parties, and with the same rights of appeal that now exist by law in civil cases in which the United States are a party: *Provided, however,* That no such suit shall be brought more than six years after the collision shall have occurred. That the process or procedure by which suits may or can be brought, and service on or notice to the United States or its officers shall be made or given, may be regulated by courts of admiralty by rules or orders made therein; and it shall be the duty of the Attorney-General of the United States to cause the United States attorney in each district to appear for and defend the United States in any such suit brought in his district.

Mr. MALLOY. Mr. President—

Mr. HALE. There are certain committee amendments which I wish now to offer to the bill, Mr. President. On page 8—

The VICE-PRESIDENT. Does the Senator from Florida rise to the amendment which has just been stated?

Mr. MALLOY. I rose to the amendment which has just been read, Mr. President, the last amendment. It is a very remarkable amendment to be inserted in a bill of this character. It changes the policy of this Government entirely in the matter of allowing itself to be sued; and there is very much in it which, to my mind, makes it objectionable. I do not wish now to oppose the amendment before I hear from the Senator from Maine, but I wish to call his attention particularly to the fact that this amendment allows the Government of the United

States to be sued for the negligence or want of skill of the Government's officers.

Mr. HALE. Mr. President, I think when the Senator hears the reason for this amendment he will withdraw his objection to it.

Mr. MALLORY. I will hear the Senator from Maine.

Mr. HALE. This matter was reported to the House of Representatives by the committee there, but it went out on a point of order. It was put in here for this reason: Every year Congress is beset with claims of this kind, which can not be resisted. We have to put these claims in for collisions by Government vessels, especially where foreign property is injured. We have to put them onto these bills and to examine each case. This provides in such cases that, instead of their being sent to the tomb of the Court of Claims, the injured parties may bring action in the local courts for these very things, so that the whole matter may be decided by the courts.

This provision is in the direction Congress is constantly legislating, a general law that will prevent us from being continually beset by these claims. We can not resist such claims, because they are urged by the ambassadors and ministers representing their governments; but if we send them to the courts, they have their day there; that ends it, and we cease to be bothered and troubled.

Mr. MALLORY. We have established a court in which claimants against the United States Government may institute their suits. This is undoubtedly a very great innovation. I do not know and I am not now prepared to say that it is not a good one, but it strikes me as being a very long step.

Mr. HALE. I think it is a very good provision.

Mr. MALLORY. I myself know one instance where a claim of that kind was pending here before the Committee on Claims for several years before it was finally adjusted; and it was a just claim. Still, it strikes me that this is a long step, and I should like to know some very good reason for it other than what I have heard.

Mr. HALE. I have given what I think is a very good reason. The very statement just made by the Senator is a reason why this amendment should be adopted, that parties have to wait sometimes for years before the Committee on Claims and before the Committee on Appropriations. This gives them immediate remedy, their day in court, their case to be disposed of like any other piece of litigation. I look upon it as a very salutary piece of legislation. That is all I can say about it. I do not want to take up the time of the Senate.

Mr. WHYTE. Mr. President, it seems to me that a citizen can recover for injuries by the United States—

Mr. HALE. I will withdraw the amendment if it is going to give rise to debate.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. HALE. I offer the amendment which I send to the desk, to come in after line 7, on page 4. It is to carry into effect a treaty that has just been ratified by the Senate.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, after line 7, it is proposed to insert the following:

International Institute of Agriculture, at Rome, Italy: For the payment of the quota of the United States for the support of the International Institute of Agriculture, at Rome, Italy, for the fiscal year 1907, \$4,800; for the salary of one member of the permanent committee and for the actual and necessary traveling expenses of delegates to be appointed to the grand assembly of the Institute of Agriculture, \$8,600; in all, \$13,400, the said amount to be expended under the direction of the Secretary of State.

The amendment was agreed to.

Mr. HALE. On page 51, at the end of the clause in line 22, I move to insert the words, "to continue available during the fiscal year 1907."

The VICE-PRESIDENT. In the absence of objection, the committee amendment will be regarded as open. The amendment of the Senator from Maine to the amendment will be stated.

The SECRETARY. On page 51 in the committee amendment, after the word "dollars," at the end of line 22, it is proposed to insert "to continue available during the fiscal year 1907."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 74, line 20, I move to strike out "twenty" and insert "twenty-five;" so as to read "\$25,000."

The amendment was agreed to.

Mr. HALE. On page 21, after line 14, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, after line 14, it is proposed to insert:

Whenever vacancies occur in class 2 or 3 in the Metropolitan police force of the District of Columbia promotions may be made thereto

from the next lower grade for meritorious service: *Provided*, The number of privates in said classes shall not be in excess of the number appropriated for by Congress.

The amendment was agreed to.

Mr. HALE. On page 78, after the word "dollars," in line 12, I move to amend the amendment of the committee by inserting "for the fiscal year 1907."

The VICE-PRESIDENT. The committee amendment will be regarded as open to amendment, and the amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 78, line 12, after the word "dollars," it is proposed to amend the committee amendment by inserting "for the fiscal year 1907."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 79, line 21, after the word "Numbered," I move to insert "511." It is simply to fill in the blank to make it read "Senate Document Numbered 511."

The amendment was agreed to.

Mr. NELSON. Will the Senator from Maine again turn to page 8, line 16?

Mr. HALE. I have just moved an amendment there.

Mr. NELSON. I did not hear it.

Mr. HALE. On page 8, line 16, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 16, after the word "reopen," it is proposed to insert the word "audit;" so as to read "to reopen, audit, and adjust."

Mr. NELSON. If the Senator from Maine will allow me, I will move to change that by striking out the word "and," before the word "adjust," and after the word "adjust," inserting the words "and audit."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Minnesota.

The SECRETARY. On page 8, line 16, after the word "reopen," it is proposed to strike out the word "and," and after the word "adjust," in the same line, to insert the words "and audit;" so that it will read:

Is authorized to reopen, adjust, and audit, etc.

The amendment was agreed to.

Mr. SPOONER. On page 92, after line 18, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 92, after line 18, it is proposed to insert:

To pay William F. M. McCarty for services and expenses as an expert employed by the Committee on the District of Columbia to aid them in investigating and reporting upon the cost and quality of gas furnished to the Government and to the people of Washington in the year 1886, \$1,283.

The amendment was agreed to.

Mr. CLARK of Wyoming. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 72, after line 18, it is proposed to insert as a new paragraph the following:

To pay the persons who prepared the four volumes of Consolidated Index to the United States Statutes at Large from March 4, 1789, to March 3, 1903, under Senate resolution of June 19, 1902, for expenses incurred and for services, \$10,000, which sum may be expended as additional pay or compensation to any officer or employee of the United States, and be paid upon vouchers approved by the chairman of the Committee on the Judiciary of the Senate.

Mr. HALE. I make the point of order that the amendment provides for additional pay, which the law prescribes shall not be paid to officers already employed.

Mr. CLARK of Wyoming. I desire to make a statement in regard to this amendment, Mr. President. In the year 1902 the Senate of the United States, by resolution, commanded the Committee on the Judiciary, the chairman of which then was the late lamented Senator Hoar, to cause to be prepared this consolidated index. Under his direction this index was prepared, and faithfully prepared. The work was submitted to the Departments of the Government, to the Judiciary Committees of the two Houses; and in March of this year this amendment was passed by the Judiciary Committee of the Senate to be placed upon this appropriation bill. It was reported favorably.

As I have said, the work has been done. The work was authorized by the Senate, and the work is approved by the Judiciary Committees of the two bodies. The estimate of \$10,000 is not the estimate of the parties who prepared the index, but is the estimate made by the Secretary of State's office, where they have been accustomed to making indexes and know the value of the service performed in such work. It seems to me, Mr. President, that this amendment ought to be placed upon this bill. I do not see how the Senate of the United States can in honor,

after having authorized and after having required this work to be done, say now that compensation shall not be paid for it.

Mr. HALE. Mr. President, this is one of the many cases with which the Senate is beset—that is, extra pay for extra work to employees whose salaries are fixed by law. The law is very clear that that can not be done. If this were a single case, perhaps I should not object, but there are twenty of them before the committee. Every part of this work can be done—

Mr. CLARK of Wyoming. I will say to the Senator from Maine that perhaps that might apply in this case. It does not seem to apply to other cases, for instance, in the sundry civil bill lately passed by this body. But be that as it may, being subject to a point of order on that account, I have no objection to that part of the amendment being stricken out.

Mr. HALE. Then, of course, the amount can be reduced.

The VICE-PRESIDENT. Does the Senator from Wyoming modify his amendment?

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. BACON. I did not rise to the question of the modification. I wanted to say a word with reference to the merits of the matter.

Mr. CLARK of Wyoming. I yield to the Senator.

Mr. BACON. I suppose that no one will deny the fact that at some time the Government of the United States will pay for this work, unless it distinctly and definitely repudiates an obligation.

Mr. HALE. I do not think the Government ought to pay regular employees of the Government extra compensation for any work that they do. It has got to be the fashion here that every clerk of a committee, if he makes an index or anything of that kind in the course of his regular employment, comes in for extra pay. He is already paid, and paid well. The committee instructed me to make these points. It is not only in this case, but there are a great many others. If the amendment is modified so that it does not provide for extra pay to men already in the employment of the Government, I have no objection to it.

Mr. BACON. As I understand, this is not a payment to these officials for any work done by them in pursuance of their positions. If the Senator will pardon me, I was not permitted to make my statement before.

I wish to call the attention of the Senator from Maine to the fact that this work was not done by these officials in the performance of any official duty devolved upon them by law. They are in no manner required to make these indexes, nor is there any work to be performed by them which in any manner relates to it. I think this fact can be stated with absolute confidence, that it was not done by them during the hours when they were engaged upon their official work.

Mr. MORGAN. What is it?

Mr. BACON. The Senator from Alabama asks me what indexes these are. They are four large volumes which contain complete analytical indexes of every statutory enactment of the United States from the foundation of the Government up to the last Congress. And while, of course, I can not say that I have given minute and detailed examination to these indexes, I have had occasion frequently to refer to them for the purpose of gaining reference to statutes, and I have found them very accurate and a very great convenience.

Mr. President, it is a fact that a very large part of the legislation of Congress is found in appropriation bills. Some of our most important legislation has been ingrafted upon appropriation bills, and it is with extreme difficulty that anyone in the absence of such an index as this is can make an exhaustive examination of the legislation of Congress upon any subject, because of the fact that these various provisions are thus hidden away in unexpected places in appropriation bills. The scope of this work goes to the extent that upon any given subject (unless it is deficient in some particular which has not yet been disclosed) upon a reference in the index to the name indicating that subject there is found a convenient reference to every piece of legislation which relates to that subject.

As I said when I began, Mr. President, this work must some time be paid for unless Congress is prepared to definitely and explicitly repudiate an obligation which the Government undertook when it directed the Judiciary Committee to have these indexes made.

Mr. HALE. Congress did not direct the committee to have it done against the law. The law is clear, and fits just such cases. The presumption is that the whole time of a clerk or employee of the Government must be given to the Government, and the object of the law is to prevent these claims for extra pay for extra work. The committee had no right to go on and employ men who already were employed by the Government. I must insist upon the point of order.

Mr. BACON. I do not know of any law which prohibits such work being done by those who may be in the employment of the Government. There may be a law against a man holding two offices, but this is no office.

Mr. HALE. The law is very clear, that an employee of the Government shall not receive any extra compensation.

Mr. BACON. Certainly, but in this case he is not to receive extra compensation for work done by him in the capacity in which the Government employs him as an officer. If this were work which would devolve upon these men in the discharge of their official duties, even though it might be much more extensive work than was originally contemplated when they were thus appointed officers, the Senator's criticism would be correct. But this is an altogether different piece of work, performed for the Judiciary Committee under an order of the Senate.

Mr. HALE. The law is very clear.

Mr. BACON. I would be glad if the Senator would show me which law it is.

Of course I do not intend to occupy the time of the Senate, but whether it is accomplished in this bill or not, certainly, as I said, unless the Government intends to repudiate its obligation and to receive the work of these men without giving them proper compensation, some time it must be paid. It seems to me there can be no more proper time than this. This work has been approved by the Judiciary Committee of the House and the Senate, and the estimate has been made not by anyone connected with the Senate, but by the Department of State, where the estimate should properly be made.

Mr. HALE. If the Senator from Wyoming will modify his amendment as suggested, I will accept it.

Mr. CLARK of Wyoming. I do not believe I am prepared to modify the amendment, although this is true. Not by any means the greater part of this work was done by anybody in the employment of the Government. I will ask the Senator from Maine if this be contrary to law, whether or not this provision upon the same page is contrary to the law:

To pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, \$750.

It seems to me that what would be contrary to the law and subject to the point of order in the one case would be equally contrary to the law in the other or like case. This work was prepared under the personal direction of the then chairman of the Judiciary Committee. He called to that work the then very efficient clerk of the Judiciary Committee. Probably a better man could not be found for that particular work. He also called to the work one of the librarians of Congress, who has been skillful with this, and they, with several others whom they employed under them, have worked for the greater part of three years upon this task. It seems to me that a point of order, even if it were proper, should not be made to an amendment of this sort.

Mr. HALE. If the Chair desires me to read the statute, I will read it. It is section 1765 of the Revised Statutes, and is as follows:

No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law.

The VICE-PRESIDENT. The Chair is of opinion that the point is well taken, and sustains the point of order against the amendment.

Mr. CULLOM. I desire to offer an amendment to the bill.

The VICE-PRESIDENT. The Senator from Illinois proposes an amendment, which will be stated.

The SECRETARY. On page 78, after line 13, it is proposed to insert the following:

The Secretary of the Interior may authorize such expenditure as may be necessary, not exceeding a total of \$8,000 annually, for rent of office accommodations in the city of Washington, D. C., for the Reclamation Service, payable from the reclamation fund established by act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands."

Mr. HALE. That is not a deficiency.

The VICE-PRESIDENT. The Chair did not understand the Senator. Does he make a point of order?

Mr. HALE. Yes; that is a matter that should come in on some other bill; that is not a deficiency.

Mr. CULLOM. The Senator will allow me to make a statement?

Mr. HALE. Certainly.

Mr. CULLOM. This item is recommended by the Secretary of the Interior in a letter, as follows:

DEPARTMENT OF THE INTERIOR,

Washington, May 31, 1906.

Sir: I have the honor to transmit herewith a communication from the Director of the Geological Survey, dated the 25th instant, submit-

ting an additional estimate for incorporation in the sundry civil bill for

Rent of office accommodations for the Reclamation Service..... \$8,000
Rent of additional office accommodations for the Geological Survey..... 3,000

The Director in his letter explains at length the necessity for making these appropriations.

The recommendation as submitted by him meets with my approval, and the estimate in question is respectfully forwarded, through your Department, for the appropriate action of the Congress.

Respectfully,

E. A. HITCHCOCK, Secretary.

The SECRETARY OF THE TREASURY.

I hope the Senator will waive any question of a point of order on this item. I know he is a kindly hearted man. This amendment ought to be adopted. It will not cost the Government any more than it is costing now, and yet the Reclamation Service has not sufficient room. All that is necessary is to adopt the amendment I have offered, so that they can rent in the District such offices as will enable them to go on with their work. I hope the Senator will allow the amendment to go in.

Mr. HALE. I am very desirous that the bill shall be completed. Parties are waiting with other matters. I will not object in this instance.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment was agreed to.

Mr. DICK. I have an amendment, which I submit.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 25, after line 19, insert:

That for the purpose of contributing toward the expenses of the national encampment of United States Spanish War Veterans, to be held in the city of Washington, D. C., in October, 1906, to be paid out on the order of the Secretary of the Treasury to the committee of the national encampment of United States Spanish War Veterans of the District of Columbia, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000.

The amendment was agreed to.

Mr. WARNER. I offer an amendment, which has already been submitted to the Senator from Maine.

The SECRETARY. On page 10, after line 2, insert the following:
For the preparation of an index and table of contents to the final report of the Louisiana Purchase Exposition, \$250.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MILLARD. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the bill the following:

To pay George R. Butlin for services in the preparation of an analytical index to testimony taken before the Senate Committee on Inter-oceanic Canals, \$500.

To pay J. B. Haynes for services in the preparation of an analytical index to testimony taken before the Senate Committee on Inter-oceanic Canals, \$500.

To pay Ernst H. Djuren for services rendered in the preparation of an analytical index to testimony taken before the Senate Committee on Inter-oceanic Canals, \$500.

The amendment was agreed to.

Mr. GALLINGER. I submit the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 4. The provisions of an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, and of an act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," approved February 27, 1906, shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the isthmian canal within the Canal Zone.

The amendment was agreed to.

Mr. NELSON. I offer an amendment, to be inserted at the end of the bill.

The SECRETARY. It is proposed to add at the end of the bill the following:

To pay for extra services rendered to the Committee on Interstate Commerce of the Senate during the consideration of the hearings on the regulation of railway rates, from the adjournment of the Senate, March 4, 1905, during and subsequent to the special meetings of the committee (the employees named herein were inadvertently omitted from the urgent deficiency act), as authorized by Senate resolution No. 288, as follows: J. F. Sellers, \$200; S. A. Maryman, \$200; F. L. Thompson, \$200; J. F. Siebert, \$200; Parker Williams, \$200; William McCaffery, \$200.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, my attention has been called to an item in this bill which makes an appropriation to pay a judgment of the Court of Claims, as I understand. It is

found on page 81, beginning with line 12 and extending over onto page 82 and ending with line 13. I have not myself had any opportunity to investigate it, but the provision was under discussion in the other branch of Congress last evening, and an amendment to that provision went out on a point of order under the rules. I will ask the Secretary to read so much of the discussion in the House yesterday as I have marked in the CONGRESSIONAL RECORD, page 9663, as throwing, possibly, some light upon that provision in the bill.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Mr. MILLER. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question in relation to this item. On page 66 it says that interest shall be paid on these judgments at the rate of 5 per cent from the several dates named therein to date of payment. Now, what I want to know is what those dates are.

Mr. LITTAUER. The date is from the 12th day of June, 1838, and the total amount of interest will be somewhere, as I said, between \$3,750,000 and \$4,000,000.

Mr. MILLER. Then I understand the gentleman that the judgment and interest in this case is over \$5,000,000?

Mr. LITTAUER. About \$5,000,000 is substantially correct.

Mr. MILLER. I want to ask the chairman of the committee what amount has been allowed in this case for attorney fees?

Mr. LITTAUER. The Court of Claims has allowed 15 per cent, and has permitted the various attorneys to enter into a stipulation among themselves, confirmed by the court, as to the percentages to be paid to the various representatives.

Mr. MILLER. Is it not true that there have been allowed in the neighborhood of a million dollars attorney fees?

Mr. LITTAUER. I should say \$750,000 was nearer correct.

Mr. MILLER. Well, now, Mr. Chairman, I desire to offer an amendment to this section. At the close of the section add this proviso.

The Clerk read as follows:

"Page 66, at the end of line 7, insert the following: 'That there shall be no fees paid to attorneys out of this appropriation until the Court of Claims shall have readjusted and determined the amount due each attorney who rendered services under contracts with the Eastern Cherokees or their representatives, and that said court shall have full power to determine the respective interest of each claimant, and the said appropriation shall bear no interest after the passage of this act.'"

Mr. LITTAUER. Mr. Chairman, I believe that provision would be subject to the point of order that it is new legislation not authorized by law. Our purpose here is simply to report to Congress the decree transmitted to us by the Court of Claims affirmed by the Supreme Court.

Mr. MILLER. Mr. Chairman, I hope the chairman of the committee will withhold his point of order.

Mr. LITTAUER. I will withhold it, in order that the gentleman may make a statement.

Mr. MILLER. I desire to say in reference to this particular item in this bill that in my judgment the legislation that has been heretofore enacted has been for the sole and express purpose of trying to secure very large fees in this particular case. I call the attention of the Chair to the law enacted in 1902, on July 1, providing that this case should be sent, or this class of cases should be sent, to the Court of Claims for judgment, and the language in the bill itself has been so carefully drawn that there can be no question but what it was drawn for the sole and express purpose of bringing together an agreement as to attorneys' fees. I read the language of that particular part of this bill:

"The institution, prosecution, or defense, as the case may be, on the part of a tribe or any band of any suit shall be through attorneys employed in the manner prescribed under sections 2123 to 2126, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys and the band acting through its head, each recognized by the Secretary of the Interior."

Now, I want to say that, so far as this particular law is concerned, these attorneys not one of them here that claim the adjudication of the court of \$750,000 to be paid to them have ever rendered a single cent's worth of service in this particular matter. Never had anything to do with sending the case to the Court of Claims. It was sent to the Court of Claims on a report to Congress from the Secretary of the Interior, and not through any action whatever on the part of these men who are to receive large fees if this bill becomes law, and I can not see how it is possible for us to evade the passage of this bill, because it means that long ago, in 1850, the Senate of the United States provided by resolution that claims of this character should have 5 per cent interest paid on them, and under that law of 1850 the Supreme Court passed upon this case, and decided that they were entitled to 5 per cent interest.

And in place of receiving one million one hundred and thirty-four thousand and some odd dollars, they are now to receive about \$5,000,000—\$1,134,000 principal and \$3,500,000 interest—and here are the attorneys, from every section of the Union, having an agreement with these Cherokee Indians, either the tribes or the bands, who have been doing various kinds of work, lobbying about this House and the other end of this building for the purpose of securing this 15 per cent of fees in this case, and they are getting a judgment here of \$750,000; but the two men who will be benefited by this amendment have rendered more service in this case than all of the other attorneys combined. Yet they were unfortunate enough not to be in the Court of Claims under this particular bill at the time these cases were adjudged there, and hence their claims have not been allowed.

Upon the point of order, I wish to say that, in my judgment, this is not new legislation. I drew the amendment carefully, for the purpose of avoiding that very question, and it is for the purpose of having the Court of Claims simply readjust the attorney fees in this case, in order that all persons who had contracts under this law of 1902, under which this bill is being allowed, may have their claims readjusted, and that all persons may be permitted to receive the fees that they were entitled to under that law, and not under any new law that we are attempting to pass at this time. I say this is simply an act of justice to two men who have had more to do, so far as the legitimate work of this legislation is concerned, than any other two men connected with this case.

Mr. LA FOLLETTE. Mr. President, it seems to me an item

in an appropriation bill which discloses no more than this does ought to be explained to the Senate before it is adopted, since the amendment, judging from the discussion which took place in the House, provides for paying a claim of about a million dollars, in round numbers, with nearly \$4,000,000 in interest, and also for carrying out an agreement under previous legislation by which it appears that attorneys are to be paid the enormous sum of \$750,000 as fees.

In the debate a few days ago in the Senate upon the Indian appropriation bill something like two days was spent in discussing two or three items in the bill providing for the payment of a fee of \$75,000, as I remember, in the one case and a hundred and fifty thousand dollars in another. It was conceded to be bad legislation for Congress to intervene between the attorneys and those who employ them to determine by legislation what they should receive.

It may be, and I suppose it is altogether probable, that this item can be explained, but I think some explanation ought to be made before it is adopted. I know that it is not customary for the Government to pay interest upon claims. This claim is based, I understand, upon treaty obligations; but it is a strange thing that this claim rested sixty-eight years before legislation providing for its payment was enacted or the interest charge upon it had amounted to two or three times as much as the original claim.

If I understand the point of the discussion which took place in the House of Representatives, a part of which has been read from the desk here, referred to a resolution of the Senate which authorized the payment of interest upon that Indian claim. I do not, for my part, see how a Senate resolution could provide for the payment of money. I understood it to be stated by the member of the Appropriations Committee of the House of Representatives who answered the question propounded to him by a member of that body, that in 1850 a resolution was passed by the Senate under which interest was to be paid upon that whole claim, dating back some twenty years before that.

Mr. HALE. Mr. President, I can not give any better explanation than what is afforded in the extracts, which I did not object to the Senator having read, although the rules prohibit it. The whole matter was thoroughly thrashed over in the House of Representatives. The basis of the law was stated there, and the treaty. It is a part of the treaty and the agreement that it carries interest. No question was raised as to that.

As to the fees of the attorneys, it was stated that it was a matter of agreement, and on that the House passed the proposition that the Senate has accepted. I can not go into a full explanation of the matter. In the first place, my voice has nearly failed.

Mr. BERRY. Will the Senator permit me to say one word?

Mr. HALE. Yes.

Mr. BERRY. This was a judgment of the Supreme Court of the United States in which they gave judgment for both principal and interest. They certified the case back to the Court of Claims to ascertain what would be a proper lawyer's fee. It went back to that court, and the court decided that 15 per cent would be the proper amount, and made the allowance and separated it between the various attorneys. Those are the facts.

The VICE-PRESIDENT. If no further amendments be proposed—

Mr. MORGAN. I attempted to get the floor a while ago to make a motion. I move to strike out, on page 6, the text of the bill, including line 7, down to line 18.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, strike out all of line 7, down to and including line 18, in the following words:

That the tariff duties both import and export imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States, or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. HALE. I move to lay the amendment on the table.

Mr. MORGAN rose.

Mr. HALE. I will not interfere with the Senator, but I will later move to lay the amendment on the table.

Mr. MORGAN. I desire some chance to explain it. I did not yield the floor for any motion of that kind.

Mr. President, I am informed, though I have not examined the record on the subject, that this piece of new legislation, which unquestionably is new, has found its way into the text of this

bill in the House under a peculiar situation. First of all, the objection was made that it was new legislation, and it was ruled out upon that ground. Thereupon a certain proceeding took place in the House which is peculiar to that body, whereby a rule was established, as I am informed—I do not know—directing that this legislation should be in order on a deficiency appropriation bill. Thereupon it was so ruled in the House and passed by the House, came to the Senate, and our committee have not made any objection to it so far as I know.

I know nothing at all of the personal merits of the claimants to this money. While there may be much said—I do not know—whether there will or will not be—in regard to the merits of their claim personally considered, I do know that this part of the pending act is a flagrant violation of the Constitution of the United States, and I do not think the Senate of the United States ought to be forced, or induced, or compelled, or threatened, or involved in the necessity of deciding a question of this kind in favor of the views of the Secretary of War. The bill proposes to enact—

That the tariff duties both import and export imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States, or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

There is proposed an absolutely undeniable case of retroactive legislation, which affects the rights of third persons. It substitutes an act of Congress now as if it had existed prior to the collection of these duties. Well, Mr. President, it did not exist then. The Supreme Court has held that it did not exist then, and to substitute it now by a relation back to that period and to give effect to it as if it had been enacted before that time is simply a plain, bold, false assertion of a fact. That is what it is, and you can not make anything else out of it. The act of Congress had not been enacted. The acts of Congress that existed at the time these duties were collected were construed by the Supreme Court, and it was held by the Supreme Court that they did not authorize the collection of these duties. Now the Congress of the United States comes in and says that the collection is ratified, just as if the act of Congress had existed at the time the duties were levied.

That, Mr. President, is retroactive legislation of the most vicious possible character. Let Congress establish that precedent here, and there is no reach to which Congress may not go in substituting statutory authority that never existed to justify acts that were performed and were necessary to have statutory authority to support them.

This case has been several times in one form and another before the Supreme Court of the United States. The decision is perfectly clear, absolutely unavoidable, that certain persons who have paid somewhere between \$4,000,000 and \$8,000,000 collected in the Philippine Islands on imports of goods into those islands, and probably on exports of goods from those islands, have paid their money into the treasury of the Philippine Islands as if the authorities there had the right to collect it. They demanded it, they collected it, they put it in the treasury, they expended it, and now the Supreme Court says that they had no authority to collect it; and we propose merely to supply the authority by ex post facto legislation. That is the simple statement of the case.

I do not care, Mr. President, to elaborate this case in argument at all; but some highly respectable gentlemen of the United States, some of whom were in past times of high official station here—one was the Secretary of the Treasury, another was the Secretary of the Navy in former times—have placed in my hands, as they have, I suppose, in the hands of every Senator on this floor, certain statements of fact in regard to this matter that I desire to have placed in the RECORD. I want the Supreme Court of the United States to know that there is at least one man on the floor of the Senate who does not intend to compel them to change their decision, and that he does not intend to participate in the enactment of laws which were not in existence at the time they made their decision and give them a retroactive effect precisely as if they had been in existence.

I want the Supreme Court of the United States to understand that the Congress of the United States does not intend to try to drag them into making certain decisions. We have no such purpose as that, at least all of us have not; and I want them to understand that there are men here who appreciate the value and dignity and power and effect of their decisions and are unwilling to reverse them by an act of Congress.

Therefore, for the purpose of correcting a statement of fact which has gone abroad in the various discussions that have

been participated in here and elsewhere about this matter, I wish to insert in the RECORD a statement signed by Messrs. John G. Carlisle, Herbert & Micou, Dudley & Michener, Coudert Brothers, and Harry M. Ward, attorneys for these claimants.

The VICE-PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

Statement with regard to amount involved in the Philippine cases pending in the Court of Claims to recover duties adjudged by the Supreme Court to have been illegally exacted affected by the section of the general deficiency bill, page 4, ratifying the collection of duties in the Philippines.

The Secretary of War has written a letter to a Member of the House, printed at page 9672 of the RECORD, in which it is stated that there was serious danger that unless this ratification measure is passed judgments for \$15,000,000, the entire amount of duties collected in the Philippines on imports from all countries, will be recovered.

The right of the President to collect duties in the Philippines on imports from foreign countries at the rates established by his order of July 12, 1898, was not involved in the Warner Barnes case, nor were any of these claims included in the revised schedule of claims submitted by the Attorney-General, with a statement that they all depended upon the decision in the Warner Barnes case.

The duties paid on imports from the United States and from Spain, which the Attorney-General admitted would be governed by the decision in the Warner Barnes case, amount to about \$3,500,000, and are included in the schedule submitted by the Attorney-General and printed at page 9673 of the RECORD. The duties on exports to the United States, which are clearly within the language of the opinion, amount to less than a million dollars more. While some of these claimants have filed petitions in the Court of Claims for the recovery of duties paid on imports from and exports to foreign countries, they concede that those classes of cases are not covered by the decision.

We therefore suggest an amendment providing that the ratification shall not extend to imports from and exports to the United States and imports from Spain from April 11, 1898, to November 15, 1901, which were pending in the Court of Claims at the time the opinion of the Supreme Court upon the reargument was handed down, May 28, 1906. Then the ratification, if valid, will prevent any further claims from being filed and will prevent the recovery of judgment in any cases not clearly covered by the decision of the Supreme Court and pending at the time the last decision was handed down. The whole amount which will then have to be paid out of the Treasury will be less than \$4,500,000, and the ratification act will save the difference between this sum and the fifteen millions whose loss is apprehended by the Secretary of War.

The proposed amendment is as follows:

Page 5, line 2, insert the following:

"Provided, That this act shall not apply to suits pending in the Court of Claims on the 28th day of May, 1906, for the recovery of duties paid in the Philippines on imports from and exports to the United States, and imports from Spain from and including April 11, 1899, to November 15, 1901."

The bill if so amended will not be in conflict, as it now is, with the decisions of the Supreme Court in these cases.

June 28, 1906.

JOHN G. CARLISLE,
HERBERT & MICOU,
DUDLEY & MICHENER,
COUDERT BROTHERS,
HARRY M. WARD,
Attorneys for Claimants.

Mr. MORGAN. I wish also to insert in the RECORD extracts from the decisions of the Supreme Court made upon this question, together with the brief of the counsel who have advanced these claims. I wish to do that for this reason, if for no other: A very large number of these claimants are foreigners, people of other governments, and it can not possibly happen that the Government of the United States will not be called to account by the foreign governments in this matter if the Congress of the United States undertakes to reverse by its legislative action a decree of the Supreme Court, and thereby to exclude them from rights that they have got. They have got their rights. Not only so, but they are prosecuting them in our courts under the laws of Congress. Their claims are filed in the Court of Claims and elsewhere. Some of them have been decided by the Supreme Court of the United States, and the money has not yet been collected to satisfy those judgments, and those judgments are in favor of foreigners. Many others of these claims are in favor of foreigners. Are we to expect that after our Supreme Court have decided the case in favor of a foreigner transacting business through the customs department of the United States that they will submit to have the judgments set aside by an act of Congress and overrule the Supreme Court?

You can not expect anything of that kind, and we are likely to be involved in difficulty. We had better strike out this provision and let these parties work out their cases before the Supreme Court of the United States. That court may find occasion to reverse its own decision. I do not know whether it will or whether it will not; but until that court does reverse its decision, now firmly made after several rehearings, the Congress of the United States ought not to put this Government in jeopardy and cast a slur upon the Supreme Court of the United States by this legislation. I wish to insert this statement and the brief of counsel, and that is all I have to say about it.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

The matter referred to is as follows:

[Before the Judiciary Committee of the United States Senate, Fifty-ninth Congress, first session. Memorandum in opposition to Senate bill No. 6362.]

On June 5, 1906, the following bill was introduced:

[S. 6362. Fifty-ninth Congress, first session. In the Senate of the United States, June 5, 1906.]

Mr. SPOONER introduced the following bill; which was read twice and referred to the Committee on the Judiciary:

A bill to approve, ratify, and confirm tariff duties levied and collected at all ports and places in the Philippine Islands between July 12, 1898, and March 8, 1902, and for other purposes.

Whereas in assumed compliance with an order of the President, dated July 12, 1898, and subsequent amendments, a tariff of duties was levied and collected at all ports and places in the Philippine Islands upon all goods and articles of merchandise imported into the Philippine Islands from foreign countries and from the United States from July 12, 1898, to March 8, 1902; and

Whereas by the act of July 1, 1902, Congress, by the second section thereof, enacted that "the action of the President of the United States theretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes, as set forth by said order, so to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands taken in accordance with the provisions of said order and subsequent amendments are hereby approved;" and

Whereas in a cause pending in the Supreme Court of the United States that court has decided that the language of section 2 of the act of July 1, 1902, above quoted, properly construed, only applies to such a tariff of duties levied and collected in the Philippine Islands before April 11, 1899, and does not extend to and confirm and ratify such duties collected from July 12, 1898, to March 8, 1902; and

Whereas a claim for a refund of the duties levied and collected between the dates above mentioned, to wit, from July 12, 1898, to March 8, 1902, is inequitable in that the importers of such goods who are now claiming refunds in fact reimbursed themselves for the payment of the duties by the sale of such goods in the markets in the Philippines at prices which included the duties; and

Whereas it was the intention of Congress, although not properly carried into the language of the law, to approve and ratify what had been done by the President and the officers of the Philippine government in the establishment and collection of a tariff of duties from July 12, 1898, to March 8, 1902: Now, therefore,

Be it enacted, etc., That all duties levied and collected by the authorities of the Philippine Islands, representing the governments of the Philippine Islands and of the United States, at all ports and places in those islands upon all goods and articles of merchandise imported into the islands from foreign countries and from the United States from July 12, 1898, to March 8, 1902, are hereby approved, ratified, and confirmed as fully in all respects as if the same had been expressly authorized by an act of Congress before their levy and collection: *Provided*, That this act is not intended and shall not be held to apply to suits to recover duties collected and paid which have been already determined by the Supreme Court.

[Indorsed.]

[S. 6362. Fifty-ninth Congress, first session.]

A bill to approve, ratify, and confirm tariff duties levied and collected at all ports and places in the Philippine Islands between July 12, 1898, and March 8, 1902, and for other purposes.

By Mr. SPOONER.

June 5, 1906.—Read twice and referred to the Committee on the Judiciary.

We submit that this bill should be adversely reported by the committee upon the grounds—

1. That it is unconstitutional, in that it deprives claimants of their property without due process of law and appropriates it to the public use without any compensation.
2. That it is unjust and makes an unfair discrimination between the parties affected by the bill and others similarly situated.
3. That it amounts to the repudiation of a debt of the United States.
4. That it is an interference by Congress with the judicial power of the United States, in that it attempts to nullify a judgment of the Supreme Court.

The history of the cases affected by this bill is as follows:

On July 12, 1898, during the Spanish war, President McKinley, by virtue of the authority vested in him as Commander in Chief of the Army and Navy, directed that upon the occupation and possession of all ports and places in the Philippine Islands a tariff of customs duties should take effect and be enforced as a military contribution.

Various amendments of this order were made from time to time by or under the direction of the President and Secretary of War. The treaty of peace with Spain was signed December 10, 1898. On December 21, 1898, President McKinley issued a proclamation, announcing to the people of the Philippine Islands that the United States assumed sovereignty, and declaring, among other things, that all importations of goods should be subject to the rates of duty in force at the time of importation.

On April 11, 1899, the ratifications of the treaty with Spain were exchanged, and the treaty was proclaimed by the President.

In the island of Porto Rico a similar customs tariff was established by an order made in August, 1898, and republished in February, 1899, which order was substantially identical in terms with the Philippine order.

In the year 1900 a series of test cases were brought—

First. To determine the validity of the collection of duties upon imports from Porto Rico under the Dingley tariff law after the ratification of the treaty and before the act of April 12, 1900, establishing a temporary civil government for the island of Porto Rico, commonly known as the "Foraker Act," took effect.

Second. To determine the constitutionality of the Foraker Act in so far as it imposed duties on imports from Porto Rico into the United States.

Third. To determine the legality of the collection of customs duties by the military officers in the island of Porto Rico under the order of the President above referred to after the ratification of the treaty.

Fourth. To determine the constitutionality of the Foraker Act in so

far as it imposed duties on imports from the United States into Porto Rico.

Fifth. To determine whether imports from the Philippine Islands into the United States after the ratification of the treaty were subject to duty under the Dingley tariff law.

On May 27, 1901, the Supreme Court decided, in *De Lima v. Bidwell* (182 U. S., 1), that Porto Rico was not a foreign country within the meaning of the Dingley tariff law, and that therefore there was no warrant of law for collecting duties on imports from that island from the date of the ratification of the treaty, April 11, 1899, to the date that the Foraker Act took effect, May 1, 1900.

The court further decided, in the first Dooley case (182 U. S., 222), that the order of the President establishing a customs tariff in Porto Rico applied to imports from foreign countries only, and therefore not to imports from the United States after the ratification of the treaty, and that until Congress should constitutionally legislate on the subject such goods were entitled to free entry, and that the President had not the power to impose a customs tariff in Porto Rico upon imports from the United States after the treaty had taken effect.

The court further decided, in *Downes v. Bidwell* (182 U. S., 244), that the Foraker Act, in so far as it imposed duties on imports from Porto Rico into the United States, was constitutional, and that the duties involved in that case were lawfully collected.

On December 2, 1901, the Supreme Court further decided, in *The Fourteen Diamond Rings* (183 U. S., 176), that the legal status of the Philippines after the ratification of the treaty was the same as that of Porto Rico—that is to say, that the Philippines were not, after the ratification, a foreign country within the meaning of the Dingley tariff law.

It also decided, in the second Dooley case (183 U. S., 151), that Congress has power to impose a tariff upon goods sent from the United States to Porto Rico.

Thereupon, in view of these decisions, a suit was brought in the Court of Claims in behalf of Warner Barnes & Co. (Limited), a British trading corporation, to recover duties paid in the Philippines upon imports from the United States from the date of the ratification of the treaty, April 11, 1899, to November 15, 1901, the date when the tariff enacted by the Philippine Commission took effect. The petition in this suit was filed on January 18, 1902. Counsel for the claimants submitted to the Attorney-General a memorandum showing that this case was governed by the decisions of the Supreme Court in the first Dooley case, the Fourteen Diamond Rings case, and *De Lima v. Bidwell*, and endeavored to arrange for the entry of judgment for the amount claimed. The Attorney-General, however, decided to attempt to distinguish those cases and to defend the suit in the Court of Claims. In spite of the best endeavors of the claimant to bring the case on for a speedy hearing, the case was not tried until the month of April, 1904. On May 3, 1904, judgment was given by the Court of Claims dismissing the petition.

In the meantime and on the 1st of July, 1902, Congress passed the act for the civil government of the Philippine Islands, and by section 2 of that act provided that:

"The action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes, as set forth by said order, was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments are hereby approved."

The Court of Claims held that an actual state of war existed in the islands, which prevented the treaty from taking full effect; that the President therefore had power to impose these duties as a military measure, and that the second section of the act of July 1, 1902, above quoted, ratified the collection of these duties and left the claimant without remedy.

In the meantime and prior to the passage of the act of Congress a number of suits had been filed in the Court of Claims in behalf of other claimants similar in all respects to the claim of Warner Barnes & Co., and by an arrangement with the Assistant Attorney-General all proceedings in the other suits were held in abeyance pending the determination of the Warner Barnes case.

An appeal from the judgment of the Court of Claims in the Warner Barnes case was duly taken to the Supreme Court of the United States, and the case was regularly reached on the call of the docket and argued in March, 1905. In the meantime the Lincoln case, a suit identical in principle with the Warner Barnes case and in which the claimants were New York merchants, was taken to the Supreme Court on writ of error to the district court for the southern district of New York.

The Warner Barnes case was argued in the Court of Claims for the Government by Charles E. Magoon, esq., law officer of the War Department, by direction of the Secretary of War, and by Mr. Assistant Attorney-General Pradt, and a special brief on the question of ratification was prepared by the direction of Hon. William H. Taft, Secretary of War.

In the Supreme Court the argument of the Warner Barnes and Lincoln cases was conducted by the Solicitor-General.

An elaborate brief was submitted covering all the points which had been advanced by the Government in the Court of Claims. On April 3, 1905, the Supreme Court rendered a unanimous opinion, written by Mr. Justice Holmes, in which it held that the former decisions in the first Dooley case and the Diamond Rings case were controlling upon all the questions involved except that of ratification. Upon this question it decided that as the act of Congress ratified only the actions of the military authorities taken in accordance with the provisions of the President's order of July 12, 1898, and its amendments, and as the collection of duties upon imports from the United States after the ratification of the treaty was not authorized by the order, therefore the collection of duties on imports from the United States was not ratified by the act. The court further expressly decided that the President had not the power to impose these duties. (*Lincoln v. U. S.*; *Warner Barnes v. U. S.*, 197 U. S., 419-429.)

The Government thereupon asked leave to file a petition for a rehearing, and on May 29, 1905, the Supreme Court allowed a petition for rehearing to be filed, addressed solely to the question of ratification of the collection of these duties by Congress. An elaborate brief and petition were thereupon filed by the Attorney-General and the Solicitor-General, and we understand from the statement made to counsel by the Attorney-General that this petition and brief were prepared by the honorable Secretary of War.

On November 13, 1905, the court granted a rehearing as to the question "whether Congress ratified the collection of the sums sought to be recovered in the suit." The reargument was had on January 18,

1906, on that question. The argument for the Government was made by the Solicitor-General and the Attorney-General, and in behalf of the claimants by John G. Carlisle, esq., and F. R. Coudert, esq. The court held the case under advisement for over four months, and on the 28th of May, 1906, handed down a decision, written by the Chief Justice and concurred in by all the justices except Justice White and Justice McKenna, by which the court adhered to the conclusion previously announced.

Copies of the two opinions of the Supreme Court are hereto annexed as Exhibits A and B.

The mandate of the Supreme Court has been issued and judgment entered in the Court of Claims in the Warner Barnes case for the sum of \$71,161.95, the amount found by the Court of Claims to have been exacted by the military authorities under the terms of the order of July 12, 1898, between April 11, 1899, and November 15, 1901. Judgment will be entered in due course in the Lincoln case.

After the original decision of the court was handed down, in April, 1905, a large number of additional claims were filed in the Court of Claims and are now pending. Upon the petition for a rehearing the Attorney-General submitted a statement of the amount of the claims filed "which would come under the decision herein." This statement was found to be inaccurate, and a corrected statement was filed on May 26, 1905, covering all claims filed in the Court of Claims for the recovery of duties on imports from the United States and from Spain, which, as the Attorney-General stated in his memorandum, were included—

"Because of the provision of the treaty, article 4, that 'the United States will, for the term of ten years from date of the exchange of ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.'"

A copy of the corrected list of claims filed by the Attorney-General is annexed and marked "C," and we have indicated as far as known to us the nationality of the several claimants.

The amount of these claims filed up to July 1, 1902, as stated by the Attorney-General, and exclusive of the Warner Barnes claim, was over \$454,000, and those filed on and since July 1, 1902, amounted to something over \$2,000,000 more, including the imports from Spain.

Almost all of the claimants are foreign subjects or natives of the Philippine Islands, many of the latter having retained their Spanish allegiance. The great bulk of the claims for imports from the United States have been presented in behalf of British, German, and Swiss firms and trading companies. The claimant in the Warner Barnes case, in which judgment has been recovered, is a British trading company and in law a British subject.

The Supreme Court having decided that Congress has power to impose a tariff of customs duties upon merchandise imported into Porto Rico or the Philippine Islands from the United States, and Congress having enacted such a tariff for the Philippines on March 8, 1902, Congress would have had the power to authorize the collection of all the duties involved in all these cases by an act passed prior to the date of the importation. The object of the bill now under discussion is to ratify, approve, and confirm all duties collected in the Philippines upon all goods imported into the islands from all foreign countries and from the United States "as fully in all respects as if the same had been expressly authorized by an act of Congress before their levy and collection." In other words, it is an attempt to legislate the claimants out of court.

Coming now to the discussion of our points:

FIRST.

The proposed act is unconstitutional, in that it deprives claimants of their property without due process of law and appropriates it to the public use without compensation.

The Supreme Court, in the Warner Barnes case (197 U. S., 419) and in the opinion on the reargument, filed May 28, 1906 (copies of which are annexed), has decided that the United States has in its possession large sums of money belonging to the claimants; that this money was taken from the claimants by military officers of the United States under the order of the President without any warrant of law, and that the claimants, whose suits, brought under existing laws, are pending in the Court of Claims, are entitled to judgment for the moneys so exacted. For Congress now to pass an act declaring that the collection of all these duties is ratified with the same force as if their collection had been authorized by a prior act amounts to nothing more nor less than an attempt to confiscate the claimants' property. It attempts to deprive the claimants of their property without due process of law and appropriates it to the public use without compensation. Such an act would be a clear and palpable violation of the fifth amendment of the Constitution. The Supreme Court has expressly decided, in the case of *De Lima v. Bidwell* (182 U. S., 199-200), that after suit has been brought for the recovery of duties Congress has not the power to ratify the collection. In the opinion on the reargument in the Warner Barnes case the court did not base its decision on the lack of power to ratify, for it held that it was not the intention of Congress in the act of July 1, 1902, to ratify that which the President had not power to do. In declaring this intention, however, the court said: "Moreover, the act of July, 1902" (the act of Congress claimed to ratify the collection of these duties), "was passed with full knowledge and after a careful consideration of the decisions of this court, and Congress was aware that grave doubt, at least, had been thrown upon its power to ratify a tax under circumstances like the present. (*De Lima v. Bidwell*, 182 U. S., 1, 199, 200.) This affords a special reason for believing that if it had intended to encounter the limitations of that case it would have done so in clear words, from which there was no escape."

The court thus clearly intimated that in its opinion Congress had not the power; and the decision in *De Lima v. Bidwell* (182 U. S., 1, 199, 200) is a controlling authority on the point that where, as in the present case, actions have been brought for the recovery of duties Congress has not the power to deprive claimants of their property by ratification.

The subject-matter with respect to which these moneys were exacted, and upon which this bill would, by ratification, retrospectively authorize the imposition of a tax, is the exercise of the privilege of doing a certain act, to wit, landing in Manila goods brought from New York.

Customs duties are indirect taxes; that is to say, they are not levied directly upon the merchandise imported, but upon the exercise of the privilege accorded by the sovereign of importing and landing foreign merchandise within the territorial limits of the nation. There can be no sound contention that the moneys sought to be recovered were exacted in payment of any direct or property tax. They were clearly levied and collected as customs duties.

It is the law in these cases that, at the time of this exaction, claimants had the right to enjoy this privilege without the payment of any tax.

In the first opinion in the Warner Barnes case (197 U. S., 428) the court said:

"Apart from the question of the duration of the President's order, it plainly was an order intended to deal with imports from foreign countries only and Philippine ports not in the actual military control of the United States."

In the first Dooley case, reaffirmed in every particular in these cases, the court said (182 U. S., p. 235):

"The proper construction of that order is, that it ceased to apply to goods imported from the United States from the moment the United States ceased to be a foreign country with respect to Porto Rico, and that until Congress otherwise constitutionally directed, such merchandise was entitled to free entry."

And at page 236 (182 U. S.):

"In our opinion, the authority of the President as Commander in Chief to exact duties upon imports from the United States ceased with the ratification of the treaty of peace, and her right to the free entry of goods from the ports of the United States continued until Congress should constitutionally legislate upon the subject."

In the first opinion in the Warner Barnes case (197 U. S., 429) the court said further:

"The fact that there was an insurrection of natives not recognized as belligerents * * * just outside its (Manila's) walls, did not give the President power to impose duties on imports from a country no longer foreign."

These quotations show clearly that it is the settled law of these cases that the claimants were entitled to free entry of their goods, both because the order did not apply to them and because the President had no power to impose these duties.

The provision in the fifth amendment, that no person shall be deprived of his property without due process of law, requires with respect to the levy and collection of taxes that Congress must state the subject-matter and fix the rate of the tax by law before taking the property of any person in payment. This is an elementary principle of constitutional law. Due process of law is not limited in scope to judicial proceedings. It prohibits every deprivation of property by any department or agency of the Government in whatever form, particularly the taking of property under the guise of taxation for the support of the Government.

With respect to all indirect taxes upon the exercise of a privilege due process of law requires that the taxpayer shall have notice that the tax has been lawfully imposed and the option of exercising or not exercising the privilege. If he exercises it, he becomes liable to the tax. Thus he has the opportunity of knowing in advance what he will have to pay for the exercise of this privilege. Where customs duties are levied due process requires that the importer shall have an opportunity to be heard as to the nature and value of his goods.

This has been held in many cases.

An act of Congress imposing duties prospectively which failed to provide for giving the importer a hearing before some tribunal or officer as to the value and nature of his goods on whose importation the duties were levied would violate the requirement of due process of law.

"The importers in this case had full notice of the proceedings before the board of general appraisers upon their appeal to said board, and ample opportunity to be heard on the question of the market value of the imported goods. It can not, therefore, be properly said that they have been subjected to penalties without notice or an opportunity to be heard or been deprived of their property without due process of law." (Passavant v. United States, 148 U. S., 214, 222.)

Obviously when a customs tax is imposed retrospectively there can be no option as to the exercise of the privilege of importing or as to paying the duty and no opportunity for a hearing as to the nature and value of the goods, hence no due process of law.

An act of Congress, passed at the present time, imposing a tax upon the importation of all merchandise brought into Manila from New York between April 11, 1899, and November 15, 1901, would violate this constitutional requirement. It matters not whether in passing such an act Congress is acting under the power to levy and collect taxes, duties, imposts, and excises, or under the power to make rules and regulations for the government of the territory of the United States. In the exercise of either power Congress is equally bound by the limitations contained in the Constitution and amendments.

The Supreme Court has finally declared the law to be that in legislating under the power to rule the Territories Congress is limited by the prohibitions contained in the first ten amendments, and is bound by the limitations arising from the fundamental principles upon which our system of government is based.

Downes v. Bidwell, 182 U. S., 244, 277, 282.

Dorr v. United States, 195 U. S., 138, 147.

See, also,

Calder v. Bull, 3 Dall., 386.

Fletcher v. Peck, 6 Cr., 87, 135.

Wilkinson v. Leland, 2 Pet., 627, 657.

United States v. Lee, 106 U. S., at 218, 219.

Cooley Const. Lim., 6th Ed., p. 443.

Congress has not the power to impose, under the guise of ratification, a retroactive tax which it has not power at the time it acts to impose by direct legislation.

It was argued by the counsel for the Government that the question of the power of Congress to ratify the collection of these duties is sustained by the maxim that every ratification relates back and has equal force with a prior mandate; that as, under the second Dooley case (183 U. S., 151), Congress had the power to impose these duties on the 11th of April, 1899, it follows from this maxim that it must have power to ratify their collection.

This argument begs the question. Furthermore the maxim is inapplicable to an act imposing a retroactive tax. It came into use as part of the law of principal and agent, and originally meant no more than that where the principal has ratified a contract made by one who assumed to act as his agent, he is as firmly bound by the contract as if his agent had had authority to act in his behalf at the time the contract was made. The maxim has also, of late years, been applied to remedial acts of the legislature confirming acts of individuals, corporations, or minor legislative or administrative bodies which might have been held invalid or irregular because of some technical defect, and where the act of ratification carries out the true intent of all the parties to a transaction and works substantial justice.

The cases cited by counsel for the Government before the court are

all to the effect that the legislature has power to pass remedial acts and that such acts do not violate the requirement of due process of law.

The doctrine of these cases is summed up in the case of Foster v. Essex Bank (16 Mass., 245), quoted with approval in Freeborn v. Smith (2 Wall., 160, 175), as follows:

"The truth is there is no such thing as a vested right to do a wrong, and the legislature which, in its acts, not expressly authorized by the Constitution, limits itself to correcting mistakes and to providing remedies for the furtherance of justice, can not be charged with violating its duty or exceeding its authority."

The court, in the same case, said:

"Such acts are of a remedial character, and are the peculiar subjects of legislation. They are not liable to the imputation of being assumptions of judicial power."

The cases cited by counsel for the Government do not hold, nor does any case we know of hold, that where Congress has not power to impose a tax retroactively it nevertheless has power to ratify the collection of a tax whose payment was enforced by the Executive wholly without warrant of law. It can not be that the fact that these moneys, wrongfully exacted from the claimants, are in the custody of the United States can have any bearing upon the power of Congress to ratify their collection. The whole course of action pursued in collecting these duties, especially after the decision of the court in the first Dooley case, shows that it was considered doubtful whether the collection of duties in the Philippines on imports from the United States was lawful and that this doubt was resolved by the authorities in favor of the Government. The theory of law upon which these suits are being prosecuted and upon which they have been decided in our favor, is that the Government has in its possession moneys which rightfully belong to the claimants. To hold that the possession of these moneys by the Government gives Congress power to transfer the title from the claimants to the Government is to hold that Congress has power to confiscate the property of the people without either just compensation or due process of law.

It has been squarely held in *De Lima v. Bidwell* (182 U. S., 199) that Congress has not this power.

The case of *Kimball v. Town of Rosendale* (42 Wis., 407) is directly in point upon the proposition now under discussion.

In that case it appeared that the legislature of Wisconsin in 1871 had passed an act authorizing the town of Rosendale to subscribe to the stock of a railroad company under certain conditions, one of which was that the railroad should deliver its proposition for the issue of the stock to the town clerk and should within three months thereafter deliver to such clerk a copy or copies of the proposition bearing the written assent of a majority of the taxpayers. The act further empowered the town to issue bonds in payment for the stock and levy taxes for the payment of the bonds. The town did subscribe the stock and issue the bonds and levy the taxes, but its action was irregular, because the railroad failed to file the written assent of the taxpayers within the three months.

Taxes were assessed for several years by the town on the plaintiff and others. The plaintiff sued to recover the amount of such taxes collected from him.

In 1877 the legislature passed a special act declaring that the several acts of the officers of the town in subscribing for the stock, issuing its bonds and assessing, levying, and collecting the taxes to pay the same had or done in good faith in attempting to comply with the statute above recited "are hereby declared legal and valid to all intents and purposes, and shall be so taken and held to be in all the courts of this State."

The question decided by the supreme court of Wisconsin was whether the legislature had power to ratify the action of the town officers in view of an amendment to the State constitution adopted in 1871, after the passage of the original act authorizing the town to subscribe to the stock, which amendment prohibited the legislature "from enacting special or private laws in nine several cases," the sixth being "for assessment or collection of taxes, or for extending the time for collection thereof."

The court held that this provision against the assessment and collection of taxes by special act prohibited equally the ratification by special act of the collection of taxes irregularly assessed; that the attempted ratification was void, and that, as the officers of the town had failed to comply with the provisions of the act authorizing the subscription, plaintiff was entitled to recover the amount of his taxes.

See, also, opinion of Peckham, J., in *Cromwell v. MacLean* (123 N. Y., 474, 491-494).

In *Smith v. Stevens* (10 Wall., 321), the question at issue was as to the validity of a deed made by an Indian. At the time of the making of the deed an act of Congress was in force vesting the title to certain lands in certain Indians, including this grantor, and forbidding any future disposition of them except by the Secretary of the Interior upon request of the party interested. The deed in question was made without the intervention of the Secretary. Some two years after this transaction Congress passed a joint resolution removing the restriction on alienation. It was claimed in behalf of the plaintiff in error that this act ratified and validated this deed.

Upon this point the court says, at page 327:

"It is hardly necessary to say that a joint resolution passed nearly two years after this transaction, removing the restriction on alienation, can not relate back and give validity to a conveyance, which, when executed, was void, nor have we any reason to suppose that Congress contemplated that any such effect would be claimed for its legislation on the subject."

This case is followed in *Jones v. Meehan* (175 U. S., 132).

This bill is open to the further objection that it amounts to a delegation of the legislative power to the executive in violation of the first and eighth sections of the first article and of the second paragraph of the third section of the fourth article of the Constitution.

The provisions of the Constitution referred to are as follows:

ART. I, SEC. 1. "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

ART. I, SEC. 8. "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to regulate commerce with foreign nations and among the several States."

ART. IV, SEC. 3, second paragraph. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The grant of these powers to Congress prohibits by implication their exercise by the President. Nor can Congress delegate any part of the legislative power to the President.

"That Congress can not delegate legislative power to the President

is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution." (Field v. Clark, 143 U. S., 659, 692.)

Even if this ratification would have the force of a prior mandate, it still remains true that the President in originally establishing this tariff was legislating.

Admitting, for the argument, that the President's order by its terms authorized the collection of duties on imports from the United States after the ratification of the treaty, this order is not less an act of legislation by the President with respect to such imports because it was made in July, 1898, than if it had been made on April 11, 1899. By the treaty the United States was no longer foreign to the Philippines, and the spirit and the letter of the tariff laws authorized the President to collect duties on imports from foreign countries only. Therefore when he performed the executive act of collecting the duties from the United States he must also have performed the legislative act of imposing them.

If this was legislation by the President, it could not be ratified by Congress, because that would amount to a delegation of the legislative power.

This bill attempts to establish a new principle of law, that Congress has power to ratify an unconstitutional act of the President.

It is the law of these cases that the President had not the constitutional power to levy and collect these duties. In imposing them by the order of July 12, 1898, the President, as appears upon the face of the order, was exacting a military contribution during a war in the exercise of his constitutional powers as Commander in Chief, and in collecting them through his military subordinates during the war he was acting in the same capacity. But the war having terminated upon the ratification of the treaty, the authority of the President either to impose or collect duties under the war power ceased. From this time on he had no further power to legislate with respect to the Philippine Islands except in so far as the necessities of the case required the maintenance and administration of a de facto civil government. Beyond this he had no more power to legislate in the Philippines than elsewhere in the United States.

This is clearly laid down in the opinion in the Warner Barnes case, at page 429, where the court says:

"The fact that there was an insurrection of natives not recognized as belligerents in another part of the island, or even just outside its (Manila's) walls did not give the President power to impose duties on imports from a country no longer foreign." (See Dooley v. United States, 182 U. S., 222, 234.)

His act, therefore, in collecting these duties was in violation of the Constitution.

No case upon the subject of ratification has gone so far as to hold or imply that Congress can deprive a citizen of property by ratifying an unconstitutional act of the President.

Counsel for the Government cited the following cases, *Cross v. Harrison* (16 How., 164), *Prize cases* (2 Black, 635), *Hamilton v. Dillin* (21 Wall., 73), *Brown v. United States* (8 Cr., 131), *The Grapeshot* (9 Wall., 129), to show that such a ratification would be within the power of Congress.

None of these cases holds that Congress has power to ratify an unconstitutional act of the President.

Hamilton v. Dillin is the only one of these cases referred to in the opinion of the court in the Warner Barnes case. That case involved really but one question—whether Congress could authorize the President to, and the President in the exercise of the war power could, impose a license fee as a condition upon trading with the enemy. The court held that under the war power of the United States both Congress and the President have the power to impose any limitations upon trade with the enemy, and that Congress can ratify an act which they had previously authorized and which the President had power to do without authorization.

With regard to the constitutionality of the act of July 13, 1861, which authorized the President to regulate commercial intercourse with the insurgent States, the court says, at page 97:

"As before stated, the power of the Government to impose such conditions upon commercial intercourse with an enemy in time of war as it sees fit is undoubted. It is a power which every other government of the world claims and exercises, and which belongs to the Government of the United States as incident to the power to declare war and to carry it to a successful termination. We regard the regulations in question as nothing more than the exercise of this power. It does not belong to the same category as the power to levy and collect taxes, duties, and excises. It belongs to the war powers of the Government, just as much so as the power to levy military contributions or to perform any other belligerent act."

Clearly, then, the doctrine of *Hamilton v. Dillin* does not apply here. It is the law of these cases that these duties were not exacted under the war power of the President and that the President had no power in any capacity to impose them.

In *Cross v. Harrison* (16 How., 164, 201) the court held that the President had power to impose duties on imports from foreign countries and that Congress had also ratified this collection (9 Stat., 412; 10 Stat., 178). This is very far from being an authority for the proposition that Congress can ratify an unconstitutional act of the President.

In *Brown v. United States* (8 Cranch, 110) the questions involved, as clearly appears from the opinion of Chief Justice Marshall (pp. 121-129), were whether Congress by the declaration of war against Great Britain in the act of June 18, 1812, had authorized the President to condemn British property found in the United States on land at the beginning of hostilities, and, if not, whether the President had the power to condemn without such authorization. Both questions were answered in the negative. There is no question in the case as to the power of Congress, by subsequent legislation, to legalize an unconstitutional act of the President.

In *The Grapeshot* (9 Wall., 129) it was held that the President had power during the civil war to establish provisional courts within the insurgent territory of Louisiana and that Congress had power upon the close of the war and the consequent dissolution of the court to enact that all judgments and decrees of the provisional court should be transferred to the circuit court of the United States and have the same effect as if the suits had been originally brought therein.

In the *Prize cases* (2 Black, 635) the court decided by a majority of the justices that the President had the power, as a war measure, to proclaim and enforce a blockade, without prior authorization by Congress, and decided, also, that Congress had ratified that action. The court did not, however, decide that if the President in so doing had exceeded his constitutional power, Congress, by ratifying, could have deprived the claimants of their right of recovery.

The four justices who dissented (Chief Justice Taney, Justices Nel-

son—who wrote the dissenting opinion—Catron, and Clifford) held that the President, in proclaiming and enforcing a blockade without prior authorization by Congress, acted beyond his constitutional power, and that his seizure of claimants' property amounted to confiscation, just as in these cases the court has held that the act of the military authorities in the Philippines in exacting the payments of these duties was confiscation. Upon the question of the power of Congress to ratify an unconstitutional act of the President, they say (p. 697):

"Congress on the 6th of August, 1862, passed an act confirming all acts, proclamations, and orders of the President after the 4th of March, 1861, respecting the Army and Navy, and legalizing them, so far as was competent for that body, and it has been suggested, but scarcely argued, that this legislation on the subject had the effect to bring into existence an ex post facto—civil war with all the rights to capture and confiscation *jure belli* from the date referred to. An ex post facto law is defined when, after an action, indifferent in itself or lawful, is committed, the Legislature then, for the first time, declares it to have been a crime, and inflicts punishment upon the person who committed it. The principle is sought to be applied in this case. Property of the citizen or foreign subject engaged in lawful trade at the time and illegally captured, which must be taken as true, if a confirmatory act be necessary, may be held and confiscated by subsequent legislation. In other words, trade and commerce authorized at the time by acts of Congress and treaties may, by ex post facto legislation, be changed into illicit trade and commerce with all its penalties and forfeitures annexed and enforced. * * * Here the captures were without any constitutional authority and void; and, on principle, no subsequent ratification could make them valid."

To hold that Congress has this power would be to establish a rule by which the underlying principle of the separation of the functions of the Executive and of the Legislature could be set at naught and great abuses introduced.

If Congress has the power to ratify this unconstitutional act of the President in collecting these duties, it must have the power to ratify all other unconstitutional acts and to give validity, by ratification, to the exercise of the legislative power by the Executive. This would, in effect, make the Executive the master of the Legislature and destroy the balance of power which the Constitution was intended to preserve. We say it would make the Executive the master of the Legislature. It is easy to furnish an example. The Executive might legislate, and act to such an extent that his actions would go far beyond the possibility of recall. He might commit so enormous a wrong that Congress, although it had refused to authorize, would be compelled to ratify. If this doctrine that Congress has power to ratify an unconstitutional act of the Executive be sound, let it be supposed that the President concluded that the public revenue of the United States was insufficient to meet the expenditures, and thereupon, by Executive order, imposed a duty of 5 cents a pound upon all coffee, or any other article now on the free list, imported into the United States. The collectors of customs would undoubtedly follow the order and collect the duties.

Can it possibly be the law that after three millions or any other sum had been collected as duties a future Congress would have power to ratify this action and give to such a confiscation of property the full sanction of a prior law? If so, let us suppose that the President and a majority of the Congress entertain conflicting opinions upon the subject, and that, therefore, no bill can be passed by Congress to provide revenue and receive the approval of the President. Could the President change the existing laws, increase the tariff or the internal-revenue laws, and then obtain a ratification of all his acts by a subsequent Congress? These assumed cases may seem extravagant, but they are identical in principle with the present case if this bill is constitutional.

SECOND.

The act is unjust and makes an unfair discrimination between the parties affected by this bill and others similarly situated.

The act expressly provides that it is not intended to and shall not be held to apply to suits to recover duties collected and paid which have been already determined by the Supreme Court.

It so happens that only two cases were actually before the Supreme Court—the Warner Barnes case, which involves some \$71,000, and the Lincoln case, which involves about \$700. Following a well-established precedent with respect to all claims for the recovery of taxes unlawfully exacted, counsel filed all their claims in time to save the bar of the statute of limitations, and then by agreement with counsel for the Government took these cases to the Supreme Court as test cases. Counsel might otherwise have had judgments entered in all the cases dismissing the petitions, and then have appealed in all the cases to the Supreme Court, and had that court reverse the judgments below in all the cases, and directed judgments to be issued in conformity with the opinion. This, however, would have thrown an utterly useless amount of labor both upon the Court of Claims and the Supreme Court. No practical good which counsel could have foreseen would have been accomplished by entering a hundred judgments in identical form, taking a hundred additional appeals, and entering a hundred judgments of reversal. The course which was followed has always been adopted and is the only reasonable and sensible course to pursue under similar circumstances; having been adopted in these cases by agreement with the Government's representative, good faith requires that the result should not be disturbed by legislative enactment.

While the other cases were not actually on the docket of the Supreme Court, yet the Attorney-General, upon the petition for rehearing in the statement to which we have alluded, told the court that the other claims pending in the Court of Claims, amounting to over \$3,000,000, all depended upon the decision in the Warner Barnes case.

Thus, while the opinion of the Supreme Court was rendered in only two cases, yet this opinion applies, and was understood by that court to apply, to every one of the cases in the Court of Claims enumerated in the statement filed by the Attorney-General. All the questions at law in all these cases have now been finally determined, and all that remains to be done is to have the claims audited and judgments rendered for the amounts actually paid. It is therefore manifestly unjust, when it is apparent that the Government wrongfully retains moneys belonging to these claimants, as expressly decided by the Supreme Court, to attempt by this bill to put all the claimants out of court expressly excepting those whose cases have been actually upon the docket of the Supreme Court.

The recital in the preamble of the bill that "it is inequitable" that these importers should recover their duties because they have added the duties to the price of their goods is unsupported by a shred of testimony, and applies with equal force to every dollar of the hundreds of millions of customs duties which have been refunded by the Government.

THIRD.

The proposed act amounts to the repudiation of a debt of the United States.

It is utterly inconsistent with all ideas of fair and upright dealing for the Government to give foreign subjects and its own citizens the right to sue the United States in the Court of Claims and to submit the controversy to the judgment of that court and of the Supreme Court, and then, having lost, to attempt to repudiate the obligation imposed upon it by the decision of its own tribunal. The Government of the United States has never yet adopted such a policy, but, on the contrary, has for more than half a century allowed itself to be sued, and has always without exception, so far as we know, paid its obligations when established by the judgment of the Supreme Court. Congress has so far not only acquiesced in the decisions of the Supreme Court in the insular cases, but has refunded all the Porto Rican claims covered by the decision in the first Dooley case, with interest at 6 per cent until the date of judgment (act of April 29, 1902, chap. 840, 31 Stat., 176; act of March 3, 1903, 58th Cong., sess. III, ch. 1447, p. 1013), and with respect to importations from both Porto Rico and the Philippines passed a special act authorizing the Secretary of the Treasury to refund such of the duties as had been paid without protest which could not have been recovered under existing laws (act of March 3, 1903, chap. 1016, 31 Stat., 1224; *Dewell v. Mix*, 116 Fed., 664; *Flint Eddy v. Bidwell*, 123 Fed., 200). The importers who were compelled to pay duties on imports from Porto Rico and the Philippines have meantime, under the authority of the decisions in *De Lima v. Bidwell* and the *Diamond Rings*, recovered judgments against the collectors of customs amounting to over a million of dollars, and all these judgments have been paid out of the Treasury under the provisions of the general laws. (R. S., § 989.)

Why, then, should these claimants, many of them subjects or citizens of friendly powers which give our citizens the right to sue their governments in their courts, and are therefore, under section 1068 of the Revised Statutes, entitled to sue the United States in the Court of Claims, and all of whom have the right, under the decisions of the Supreme Court, to recover judgments for their moneys wrongfully taken from them and wrongfully withheld, be singled out as the objects of an act of confiscation?

It is safe to say that if an act of this character should be passed by a smaller State—for an apt illustration let us say Venezuela—the foreign governments, the rights of whose subjects were concerned, as they are here, would not hesitate to make a naval demonstration, and would proceed, if necessary, to collect the claims by force. Would this Government permit Venezuela, or any other of the South or Central American Republics, to repudiate claims of American citizens against their government after their highest court had decided in a test case that their government was wrongfully withholding moneys belonging to our citizens? Certainly not. If we remember rightly, this Government has recently endeavored to enforce a claim of an American citizen or corporation against Venezuela, even after the highest court of that country had decided against the claim, on the ground that the decision was a denial of justice.

Will the United States assume the position before the world that it will repudiate its obligation to pay the claims of foreign subjects when its highest court, after two full arguments and the utmost deliberation, has declared that it is legally bound to pay them, and for immunity rely upon the fear of other nations to become involved in a dispute with us because of our wealth and power?

With respect to the imports from Spain into the Philippines after the ratification of the treaty the bill is a direct repudiation of Article IV of the treaty of Paris, by which Spanish ships and goods from Spain are to enjoy the same privileges in the Philippines for a period of ten years as ships and goods from the United States. The Supreme Court having decided that imports from the United States were entitled to free entry, imports from Spain were, under the treaty, entitled to free entry until the act of March 8, 1902, imposing a tariff by authority of Congress, took effect. This was conceded by the Attorney-General, as shown above, page 10.

The bill would therefore give just cause of offense to Spain, and go far to make a breach in the friendly relations now reestablished between the United States and that country.

FOURTH.

The bill is an interference by Congress with the judicial power of the United States, in that it attempts to nullify a judgment of the Supreme Court.

The preamble of the act upon its face is a confession that the act requires justification, but many of the recitals in it are most inaccurate. Thus it is recited that in a cause pending in the Supreme Court that court has decided that section 2 of the act of July 1, 1902, "properly construed, only applies to such a tariff of customs levied and collected in the Philippine Islands before April 11, 1899, and does not extend to and confirm and ratify such duties collected from July 12, 1898, to March 9, 1902."

The decision of the court was that the ratification did not extend to the imposition and collection of duties upon imports from the United States from April 11, 1899, to November 15, 1901. But the court expressly held that the imposition of duties by the President at the rates established by his order of July 12, 1898, instead of at the rates established by the laws of the United States upon imports from foreign countries into the Philippines from April 11, 1899, was ratified and approved by the act of July 1, 1902. The court says, in the opinion rendered May 28, 1906, after reargument:

"In these cases, however, the ratification act was not otherwise meaningless. When the treaty was ratified the applicable laws of the United States became operative, but the President nevertheless continued in force the tariff created by the order of July 12, 1898, and by an order of April 21, 1899, established a collection district with Manila as the chief port of entry, and under these orders collections of duties were made. This involves the questions whether after April 11, 1899, the President could have enforced any tariff upon goods imported into the Philippines from foreign countries other than such as existed under acts of Congress or might be sanctioned by Congress, and that question was put at rest by this ratification."

The preamble goes on to recite that—
"It was the intention of Congress, although not properly carried into the language of the law, to approve and ratify what had been done by the President and the officers of the Philippine government in the establishment and collection of a tariff of duties from July 12, 1898, to March 8, 1902."

We submit that where, as in this case, the Supreme Court has expressly decided what Congress intended by an act it is not for a subsequent Congress to say that the former act meant a different thing. As

President Roosevelt very appropriately stated in his speech at the dinner given in honor of Justice Brown by the Association of the Bar on May 31, 1906—

"It is sometimes a good thing to be heard first. It is always a good thing to have the right to speak last. That right belongs to the Supreme Court. The President and Congress are all very well in their way. They can say what they think they think, but it rests with the Supreme Court to decide what they have really thought."

Moreover, we submit that Congress, having, in the act of July 1, 1902, stated that only the action of the President taken by virtue of the authority vested in him as Commander in Chief, and only such action of his subordinates as was authorized by the terms of the order of July 12, 1898, was ratified, must have intended to ratify only the collection of such duties as the President's order, as construed by the Supreme Court, authorized, and such action of the President as he had the constitutional power to carry into effect.

As pointed out in the Supreme Court's opinion on the reargument, if Congress by the act of July, 1902, had intended to ratify the collection of all duties in the Philippine Islands on imports from the United States as well as upon imports from foreign countries, it could very easily have said so in so many words. That it did not use plain language to express that intention is strong evidence that it did not intend, as a matter of fact, to ratify the collection of duties on imports from the United States, and there is nothing in the debates in Congress to show that it intended to ratify what was actually done as distinguished from what was lawfully done. Its intention as a matter of law not to ratify the collection of duties on imports from the United States is conclusively settled by the decision of the Supreme Court in the *Warner Barnes* case.

For these reasons we submit that this bill should not become a law.

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JUNE, 1906.

EXHIBIT A.

Supreme Court of the United States. Nos. 149 and 466.—October term, 1904. No. 149. *Frederic W. Lincoln, Henry W. Peabody, John R. Bradlee, and Charles D. Barry, trading as copartners under the firm name and style of Henry W. Peabody & Co., plaintiffs in error, v. The United States.* In error to the district court of the United States for the southern district of New York. No. 466. *Warner, Barnes & Co., Limited, appellants, v. The United States.* Appeal from the Court of Claims. April 3, 1905.

Mr. Justice Holmes delivered the opinion of the court:
These are suits to recover duties exacted from the plaintiffs in error and appellants upon merchandise shipped by them from New York to Manila, and landed at the latter port between April 11, 1899, the date when the ratifications of the treaty with Spain were exchanged, and October 25, 1901. The duties were levied under an order of the President dated July 12, 1898. The case of *Peabody & Co.* was decided on demurrer to the answer of the United States, which set up that during the time mentioned there existed an armed insurrection in the Philippine Islands of such size as to call for military operations by the United States; that, although Manila was in our possession, it was held only by force of arms as a part of hostile territory, and that the President's order was a lawful exercise of the war power of the United States. The district court overruled the demurrer and dismissed the suit. (Fed. Rep.) The case of *Warner, Barnes & Co.* was decided on a finding of facts by the Court of Claims, and that court also dismissed the petition. (C. Cl. R.) These facts mainly concern the magnitude of the insurrection and need not be stated.

It will be observed that the President's order relied upon was an order issued during the war with Spain, nine months before the treaty of peace was made. It was a measure taken with reference to that war alone and not with reference to the insurrection of the native inhabitants of the Philippines, which did not happen until much later. Aguinaldo declared hostilities on February 4, 1899. The natural view would be that the order expired by its own terms when the war with Spain was at an end. The order directs that "upon the occupation of any forts and places in the Philippine Islands by the forces of the United States," the duties shall be levied and collected "as a military contribution." Of course, this was not a power in blank for any military occasion which might turn up in the future. It was a regulation for and during an existing war, referred to as definitely as if it had been named. (See *Dooley v. United States*, 182 U. S., 222, 234, 235.) However this may be, we are of opinion that the cases before us are governed by the decision in *Fourteen Diamond Rings* (183 U. S., 176, 180, 181). In that case it was decided that after the title passed to the United States there was nothing in the Philippine insurrection of sufficient gravity to give to the islands the character of foreign countries within the meaning of a tariff act. That means that there was no such "firm possession" by an organized hostile power as made Castine a foreign port in the war of 1812. (*United States v. Rice*, 4 Wheat., 246, 254.)

Whatever sway the Philippine Government may have had in Luzon we suppose that probably at any time the United States could have sent a column of a few thousand men to any point on the island, as was stated by the Secretary of War in his report in 1899, and as the United States was willing that the Court of Claims should find. In the language of the above-mentioned decision, "If those in insurrection against Spain continued in insurrection against the United States, the legal title and possession of the latter remained unaffected."

Apart from the question of the duration of the President's order, it plainly was an order intended to deal with imports from foreign countries only and Philippine ports not in the actual military control of the United States. But even had it been intended to have a wider scope we do not perceive any ground on which it could have been extended to imports from the United States to Manila, a port which was continuously in the possession as well as ownership of the United States from the time of the treaty with Spain. Manila was not like Nashville during the civil war, a part of a State recognized as belligerent and as having impressed a hostile status upon its entire territory. (*Hamilton v. Dillon*, 21 Wall., 73, 94-96.) The fact that there was an insurrection of natives not recognized as belligerents in another part of the island, or even just outside of its walls, did not give the President power to impose duties on imports from a country no longer foreign. (See *Dooley v. United States*, 182 U. S., 222, 234.)

We see no sufficient ground for saying that the collection of these duties has been ratified by Congress. The only act needing mention is that of July 1, 1902, chapter 1369, section 2, 32 Statutes, 691, 692. That act ratifies the action of the President "heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898," etc., together with the subsequent amendments to that order. "And the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provision of said order and subsequent amendments, are hereby approved." Without considering how far the first part of the section extends, the approval of the action of the authorities is confined to those which were in accordance with the provision of the order, which, as we already have intimated, the collection of these duties was not. (See, further, *De Lima v. Bidwell*, 182 U. S., 1, 199, 200.)

Judgments reversed.

True copy.

Test:

[SEAL.]

JAMES H. MCKENNEY,
Clerk Supreme Court United States.

EXHIBIT B.

Supreme Court of the United States. Nos. 149 and 466.—October term, 1904. 149. *Frederic W. Lincoln, Henry W. Peabody, John R. Bradley, and Charles D. Barry*, trading as copartners under the firm name and style of *Henry W. Peabody & Co.*, plaintiffs in error, *v. The United States*. In error to the district court of the United States for the southern district of New York. 466. *Warner, Barnes & Co. (Limited)*, appellant, *v. The United States*. Appeal from the Court of Claims. May 28, 1906.

Mr. Chief Justice Fuller delivered the opinion of the court:

These are suits to recover duties exacted from plaintiffs in error and appellants upon merchandise shipped by them from New York to Manila, and landed at the latter port between April 11, 1899, the date when the ratifications of the treaty with Spain were exchanged and the treaty proclaimed, and October 25, 1901. The duties were levied under an order of the President, dated July 12, 1898. The cases were argued in this court March 3, 1905, and the judgments reversed April 3, 1905. (197 U. S., 429.)

We ruled that the order of July 12, 1898, was a regulation for and during the then existing war with Spain, referred to as definitely as if it had been named, and that the right to levy duties thereunder on goods brought from the United States ceased on the exchange of ratifications. (*Dooley v. United States*, 182 U. S., 222.)

And that after title passed, April 11, 1899, there was nothing in the Philippine Insurrection of sufficient gravity to give to the islands the character of foreign countries within the meaning of a tariff act. (Fourteen Diamond Rings, 183 U. S., 176.) As to the subsidiary point that whether the exaction of the duties was lawful or not, it had been ratified by the act of July 1, 1902 (32 Stat., 691, 692, c. 1369, § 2), we were of opinion that the ratification of "the actions of the authorities taken in accordance with the provisions of said order and subsequent amendments" was confined to actions which were taken in accordance with the provisions of the order and amendments, which these exactions were not. May 29, 1905, we allowed petitions for rehearing to be filed addressed solely to the matter of ratification, and subsequently (November 13) a rehearing was granted "as to the question whether Congress ratified the collection of the sums sought to be recovered in these suits."

The cases were rearranged January 18 and 19 on that question.

That the moneys exacted from plaintiffs in error and appellants were illegally exacted is not open to question under our order, unless the act of July 1, 1902, operated to the contrary. The second section of that act reads as follows: "That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved."

The order of July 12, 1898, by President McKinley, as Commander in Chief, directed that upon occupation of any ports or places in the Philippine Islands by the forces of the United States an accompanying tariff of duties and taxes should be levied and collected as a military contribution, and that regulations for its administration should take effect and be in force in the ports and places occupied. Manila was captured August 13, and the next day the custom-house was opened and taxes were collected according to the prior Spanish tariff up to November 10, 1898, until which date the order of July 12 had been suspended.

On the rehearing an order of the military governor of the Philippines of October 26, 1898, which embodied the full text of the customs tariff and regulations, was brought forward, and was in all essential respects a repetition of the order of July 12.

The Porto Rican cases were decided May 27, 1901, and in June the Secretary of War cabled the commission at Manila that: "The most obvious distinction between the status of Porto Rico and the Philippines, after the cession, indicated in the opinions of the court, is in the fact that Porto Rico was at the time of cession in full peaceable possession, while a state of war has continued in the Philippines. As the question of the President's power to impose duties in the Philippine Islands under the existing conditions of military occupation has not been decided by the court, the President has determined to continue to impose duties as heretofore."

Undoubtedly the order of July 12, 1898, contemplated vessels from America as well as others, yet that order, having been made in time of war, for a military contribution, when the Philippines did not belong to us, must be taken to have contemplated them, as it contemplated those from other countries, as vessels foreign to the country, and to have imposed the tax upon them qua foreign. The military tax was, so to speak, a seizure of Spanish revenues. That was what the order meant when it was passed, and a change of circumstances did not change its meaning. Neither was the meaning changed by any amendment. The ground on which it was kept in force by the Secretary of War, June 8, 1901, was that the Philippines were still in a state of war. If that view had been correct the order would have been applied and would have had lawful effect, but it turned out not to be correct.

The ratification may be assumed to apply to the order as actually

made, and not to have been limited to such an order or so much of this order as the President had a right to make. But it does not construe the order, and as it confines the ratification to actions in accordance with the order and amendments, the question what actions were in accordance with them is for us. The statute does not ratify all actions or all collections of taxes, as it easily might have done, but only actions in accordance with the order. If the order properly construed did not purport to apply to vessels unless they were either enemy or foreign, then when a vessel ceased to be foreign the order did not apply, and a tax upon such a vessel, not being in accordance with the order, is not ratified by the act. This construction is favored by the consideration that the suits had been begun when the act of July 1, 1902, was passed, and that even if Congress could deprive plaintiffs of their vested rights in process of being asserted, *Hamilton v. Dillin* (21 Wall., 73), still it is not to be presumed to do so on language which, literally taken, has a narrower sense.

Moreover, the act of July, 1902, was passed with full knowledge and after careful consideration of the decisions of this court, and Congress was aware that grave doubt, at least, had been thrown upon its power to ratify a tax under circumstances like the present. (*De Lima v. Bidwell*, 182 U. S., 1, 199, 200.) This affords a special reason for believing that if it had intended to encounter the limitations of that case it would have done so in clear words from which there was no escape.

It should also be remembered that there was a powerful opposition in Congress, and that the phraseology of the act probably represents all that it was deemed safe to ask. Every consideration requires that the ambiguous language of the act should not be stretched beyond the exact and literal meaning of the words. In a literal sense they ratify only actions in accordance with the order construed as it would have been construed by this court had it come before us upon the day when it was made.

It is not a sufficient answer to say that the ratification was meaningless unless it embraced duties collected on imports from the United States after April 11, 1899, because the exactions before were legal. The instances are many where Congress, out of abundant caution, has ratified what did not need, or was afterwards found not to have needed, ratification. (*Cross v. Harrison*, 16 How., 164; *Prize cases*, 2 Black, 635.)

It would be inadmissible to lay down as a general rule that a particular ratification covered what was not, in the judgment of the courts, included or intended to be, simply because it might be thought to have been otherwise unnecessary.

In these cases, however, the ratification act was not otherwise meaningless. Duties were collected under the order of July 12, 1898, as a military contribution while the war with Spain was in progress. The treaty was signed December 10, 1898, and the President on December 21 issued an order proclaiming the sovereignty of the United States in the islands and directing duties and taxes to be collected in future as public revenues for the support of the government. When the treaty was ratified, the applicable laws of the United States became operative, but the President, nevertheless, continued in force the tariff created by the order of July 12, 1898, and by an order of April 21, 1899, established a collection district with Manila as the chief port of entry, and under these orders collections of duties were made. This involves the question whether after April 11, 1899, the President could have enforced any tariff other than such as existed under acts of Congress or might be sanctioned by Congress. And that question was put at rest by this ratification.

Much more might be said, but we think it would needlessly prolong this opinion.

Notwithstanding the able argument of the Attorney-General, we adhere to the conclusion previously announced.

Judgments reversed.

True copy.

Test:

JAMES H. MCKENNEY,
Clerk Supreme Court United States.

EXHIBIT C.

Claims filed up to July 1, 1902.

| | | | |
|-------------|----------------|---|------------|
| 22761. | Jan. 25, 1902. | Smith, Bell & Co. (British)----- | \$2,000.00 |
| 22808. | Feb. 27, 1902. | Gulierrez Hermanos (Spanish)----- | 69,649.98 |
| 22809. | Feb. 27, 1902. | Juan B. Gomez (Spanish)----- | 9,876.88 |
| 22810. | Feb. 27, 1902. | Juan B. Gomez (Spanish)----- | 1,563.55 |
| 22812. | Mar. 3, 1902. | Warner, Barnes & Co. (British)----- | 700.00 |
| 22816. | Mar. 5, 1902. | Perez & Co. (Spanish)----- | 8,000.00 |
| 22817. | Mar. 5, 1902. | Perez & Co. (Spanish)----- | 700.00 |
| 22823. | Mar. 13, 1902. | Ker & Co. (British)----- | 90,000.00 |
| 22825. | Mar. 13, 1902. | Ker & Co. (British)----- | 2,150.00 |
| 22879. | May 19, 1902. | Jacob H. Ankrom (German)----- | 72,568.43 |
| 22904. | June 21, 1902. | Pacific Oriental Trading Co. (American)----- | 104,374.53 |
| 22905. | June 21, 1902. | Pacific Oriental Trading Co. (American)----- | 33,148.86 |
| 22907. | June 25, 1902. | Robinson & Co. (British)----- | 60,000.00 |
| Total ----- | | | 454,552.23 |

Claims filed on and since July 1, 1902.

| | | | |
|--------|----------------|---|--------------|
| 22914. | July 1, 1902. | C. Heinszen & Co. (German)----- | \$125,000.00 |
| 23117. | Nov. 28, 1902. | Pacific Oriental Trading Co. (American)----- | 125,761.18 |
| 24313. | Oct. 30, 1903. | The American Commercial Co. (American)----- | 3,011.37 |
| 24314. | Oct. 30, 1903. | The American Commercial Co. (American)----- | 267,556.21 |
| 24315. | Oct. 30, 1903. | The American Commercial Co. (American)----- | 3,591.52 |
| 24316. | Oct. 30, 1903. | The American Commercial Co. (American)----- | 550,875.34 |
| 27736. | Apr. 11, 1905. | Stahl & Rumcker (German)----- | 6,500.00 |
| 27737. | Apr. 11, 1905. | Lenora T. Ayala Zobel (Filipino)----- | 5,500.00 |
| 27738. | Apr. 11, 1905. | Fabricade Tabacos La Insular (Filipino)----- | 400.00 |
| 27739. | Apr. 11, 1905. | Alfredo Chicote Beltran or Alfredo Chicote (Filipino)----- | 5,500.00 |
| 27757. | Apr. 12, 1905. | The Standard Oil Co., of New York (American)----- | 173,221.44 |
| 27772. | Apr. 17, 1905. | John M. Switzer (German)----- | 20,000.00 |
| 27773. | Apr. 17, 1905. | Calder & Co. (British)----- | 4,000.00 |
| 27774. | Apr. 17, 1905. | Lambert & Presty (British)----- | 2,600.00 |
| 27775. | Apr. 17, 1905. | Manila Navigation Co. (American)----- | 3,100.00 |

| | | | |
|--------|----------------|--|---------------|
| 27776. | Apr. 17, 1905. | Philippine Lumber and Development Co. (American) | \$1,400. 00 |
| 27777. | Apr. 17, 1905. | John Parsons (American) | 3,000. 00 |
| 27778. | Apr. 17, 1905. | Teodore de los Reyes (Filipino) | 1,900. 00 |
| 27779. | Apr. 17, 1905. | Successors of R. Bren (Filipino) | 1,375. 00 |
| 28013. | Aug. 18, 1904. | Kuenzie & Strieff (Swiss) | 140,000. 00 |
| 28014. | Aug. 18, 1904. | Kuenzie & Strieff (Swiss) | 175,000. 00 |
| 28015. | Aug. 18, 1904. | Holliday, Wise & Co. (British) | 117,000. 00 |
| 27176. | Dec. 22, 1904. | Edward A. Keller Sturche (Swiss) | 79,790. 89 |
| 27177. | Dec. 22, 1904. | Edward A. Keller Sturche (Swiss) | 2,225. 27 |
| 27591. | Apr. 1, 1905. | Compania General de Tabacos de Filipinas (Spanish) | 25,936. 55 |
| 27592. | Apr. 1, 1905. | E. C. McCullough & Co. (British) | 72,050. 00 |
| 27593. | Apr. 1, 1905. | Ynchansti Companie (Filipino) | 9,740. 00 |
| 27594. | Apr. 1, 1905. | American Hardware and Plumbing Co. (American) | 14,610. 00 |
| 27595. | Apr. 1, 1905. | Newhall & Fenner (American) | 5,357. 00 |
| 27596. | Apr. 1, 1905. | Findlay & Co. (British) | 19,967. 00 |
| 27597. | Apr. 1, 1905. | Macdonray & Co. (British) | 40,395. 00 |
| 27598. | Apr. 1, 1905. | Sackerman & Co. (German) | 36,525. 00 |
| 27599. | Apr. 1, 1905. | Lutz, Moll & Co. (German) | 50,000. 00 |
| 27600. | Apr. 1, 1905. | Behm, Myer & Co. (German) | 100,000. 00 |
| 27608. | Apr. 1, 1905. | Sprungli & Co. (Swiss) | 3,477. 86 |
| 27712. | Apr. 10, 1905. | Manuel T. Figueras (Filipino) | 20,500. 00 |
| 27713. | Apr. 10, 1905. | Compania Maritima (Filipino) | 5,750. 00 |
| 27727. | Apr. 10, 1905. | Conrad Struckmann et al. (German) | 92,361. 88 |
| 27728. | Apr. 11, 1905. | Hoskyn & Co. (British) | 4,700. 00 |
| 27729. | Apr. 11, 1905. | Union Farmaceutica Filipinas (Filipino) | 2,100. 00 |
| 27730. | Apr. 11, 1905. | Cesar Garcia, administrator of one Gomez (Filipino) | 150,000. 00 |
| 27731. | Apr. 11, 1905. | Manuel Earnshaw & Co. (British) | 3,900. 00 |
| 27732. | Apr. 11, 1905. | Juan Tuason, liquidator of G. Hollman & Co. (Filipino) | 40,000. 00 |
| 27733. | Apr. 11, 1905. | Meerkamp & Co. (German) | 900. 00 |
| 27734. | Apr. 11, 1905. | Reyes & Smith (Filipino) | 25,000. 00 |
| 27735. | Apr. 11, 1905. | Kuenzie & Strieff (Swiss) | 3,400. 00 |
| 27780. | Apr. 17, 1905. | Forbes, Munn & Co. (British) | 50,000. 00 |
| 27781. | Apr. 17, 1905. | Felix Ullmann (German) | 5,000. 00 |
| 27782. | Apr. 17, 1905. | E. J. Smith (Filipino) | 25,000. 00 |
| 27783. | Apr. 17, 1905. | D. H. Gulick (Filipino) | 2,500. 00 |
| 27650. | Apr. 10, 1905. | Levy Brothers (American) | 5,000. 00 |
| 27651. | Apr. 10, 1905. | Henry D. Wolf (American) | 5,500. 00 |
| 27652. | Apr. 10, 1905. | Erlanger & Gallinger (German) | 20,000. 00 |
| 27653. | Apr. 10, 1905. | Heacock & Freer (British) | 5,000. 00 |
| 27654. | Apr. 10, 1905. | Carlos Gsell (Swiss) | 4,600. 00 |
| 27655. | Apr. 10, 1905. | L. J. Lambert (American) | 3,000. 00 |
| 27656. | Apr. 10, 1905. | Daniel Denniston (American) | 2,000. 00 |
| 27657. | Apr. 10, 1905. | The B. W. Cadwalader Co. (British) | 7,000. 00 |
| 27658. | Apr. 10, 1905. | John Gibson (British) | 3,500. 00 |
| 27659. | Apr. 10, 1905. | El Verdadero de Manila (Filipino) | 10,000. 00 |
| 27660. | Apr. 10, 1905. | The Singer Manufacturing Co. (American) | 8,500. 00 |
| 27661. | Apr. 10, 1905. | Mariano y Chaco (Filipino) | 5,000. 00 |
| 27662. | Apr. 10, 1905. | M. A. Clarke (American) | 15,000. 00 |
| 27663. | Apr. 10, 1905. | Greissammer Bros. (German) | 1,200. 00 |
| 27664. | Apr. 10, 1905. | Camille Alkam (Filipino) | 7,500. 00 |
| 27665. | Apr. 10, 1905. | Francisco Reyes (Filipino) | 7,000. 00 |
| 27666. | Apr. 10, 1905. | Froloch & Kuttner (German) | 12,000. 00 |
| 27667. | Apr. 10, 1905. | J. F. Ramirez (Filipino) | 4,100. 00 |
| 27668. | Apr. 10, 1905. | Rafael Reyes (Filipino) | 15,000. 00 |
| 27669. | Apr. 10, 1905. | San Miguel Brewery (American) | 4,600. 00 |
| 27670. | Apr. 10, 1905. | J. M. Tuason & Co. (Filipino) | 8,000. 00 |
| 27671. | Apr. 10, 1905. | Alfredo Roensch (Filipino) | 8,000. 00 |
| 27672. | Apr. 10, 1905. | N. T. Hashim & Co. (Filipino) | 30,000. 00 |
| 27673. | Apr. 10, 1905. | Pons & Co. (Filipino) | 100. 00 |
| 27674. | Apr. 10, 1905. | Santos & Jaehrling (Filipino) | 2,200. 00 |
| 27675. | Apr. 10, 1905. | Blanc & Brunschwig (German) | 1,400. 00 |
| 27676. | Apr. 10, 1905. | Paul Hube (German) | 2,400. 00 |
| 27677. | Apr. 10, 1905. | Serre & Co. (Filipino) | 600. 00 |
| 27678. | Apr. 10, 1905. | Viuda de M. Soler (Filipino) | 1,900. 00 |
| 27679. | Apr. 10, 1905. | A. G. Sibrant, Siegert (German) | 1,400. 00 |
| 27680. | Apr. 10, 1905. | Ramon Montes (Filipino) | 2,100. 00 |
| 27681. | Apr. 10, 1905. | Lutz & Co. (German) | 1,600. 00 |
| 27682. | Apr. 10, 1905. | Rita Donaldson Sim Valdez (Filipino) | 10,000. 00 |
| 27683. | Apr. 10, 1905. | La Compania Electricista (Filipino) | 8,200. 00 |
| 27820. | Apr. 24, 1905. | Angel Ortigm (Filipino) | 30,480. 00 |
| 27830. | Apr. 26, 1905. | Rueda Hermanos (Filipino) | 1,417. 00 |
| 27831. | Apr. 26, 1905. | Hubert y Guamis (Filipino) | 1,800. 00 |
| 27832. | Apr. 26, 1905. | Vinda de E. Bota (Filipino) | 600. 00 |
| 27833. | Apr. 26, 1905. | Cortijo & Co. (Filipino) | 650. 00 |
| 27834. | Apr. 26, 1905. | Perez Hermanos (Filipino) | 350. 00 |
| 27835. | Apr. 26, 1905. | Luciano Cordoba (Filipino) | 1,600. 00 |
| Total | | | 2,886,776. 51 |

Mr. HALE. I move to lay the amendment on the table.

The motion to lay on the table was agreed to.

Mr. BACON. Without formally again moving the amendment which was moved by the Senator from Wyoming [Mr. CLARK], relative to the payment for the indexing, I desire simply to insert in the RECORD for the purpose of completing the papers which I hold in my hand, which are the resolutions under which this work was done, a letter from the Secretary of State, one from the chairman of the Judiciary Committee of the House, and another from the Attorney-General.

Mr. HALE. There is no objection to that.

Mr. BACON. There is also a memorandum giving a history of the matter of less than half a page. I ask that the entire matter may be inserted, and, that being done, I will not again move the amendment for the purpose of having it done.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

To pay the persons who prepared the four volumes of Consolidated Index to the United States Statutes at Large, from March 4, 1789, to

March 3, 1903, under Senate resolution of June 19, 1902, for expenses incurred and for services, \$10,000, which sum may be expended as additional pay or compensation to any officer or employee of the United States, and be paid upon vouchers approved by the chairman of the Committee on the Judiciary of the Senate.

CONSOLIDATED INDEX OF THE UNITED STATES STATUTES.

Mr. Hoar submitted the following resolution; which was considered by unanimous consent, and agreed to:

"Resolved, That the Senate Committee on the Judiciary cause to be prepared a consolidated index to the United States Statutes at Large from March 4, 1789, to March 3, 1903."

(Senate Journal, June 19, 1902, page 502.)

[Memorandum.]

As directed by the foregoing resolution, the Senate Committee on the Judiciary caused a consolidated index to be prepared. The work was performed under the personal direction of the late Senator Hoar, as chairman.

It was Senator Hoar's judgment that a consolidation of the State Department's indexes of the Statutes at Large, bringing together all acts of Congress since 1789, under the headings established by the State Department—headings now familiar to all—would be the most useful form of an index. That has been done. The consolidated index comprises four large volumes, of over 1,100 pages in each volume. The work has been done with most scrupulous care. From four to seven persons were employed a large portion of the time for three years.

Compensation.—In accordance with the suggestion of Senator Hoar before work upon the index was begun, the State Department has been asked to make an estimate of what would be a reasonable compensation for the work of preparation. This seemed proper, because the indexes of the several volumes of the Statutes at Large are, under the law, prepared by the State Department.

Three communications are attached:

1. Estimate of compensation by Acting Secretary of State.
2. Suggestion of the Attorney-General as to distribution and printing of the consolidated index.
3. Letter from the chairman of the Judiciary Committee of the House of Representatives, stating his estimate of the value of the index.

DEPARTMENT OF JUSTICE,
Washington, March 1, 1906.

Hon. C. D. CLARK,
Chairman Committee on the Judiciary, United States Senate.

SIR: I am in receipt of four volumes of Consolidated Index of United States Statutes at Large, 1789-1903, transmitted by Mr. Goodwin, at your direction, and also your letter of the 21st instant in which you request that I advise you as to the number which should be printed for the use of the Department, and as to the matter of their distribution.

I suggest that these volumes be printed and distributed in the same manner as the Statutes at Large and the Revised Statutes. If the distribution is made in that manner, this Department will need something over 800 copies, but will require additional copies from time to time as the number of districts are increased. Under the plan of distribution suggested, the Department will be able to secure from time to time such numbers of copies as may be necessary to supply its needs.

I further suggest that the copies intended for this Department should be bound in three volumes instead of four, with covers of yellow duck instead of calf.

Very respectfully,

H. H. HOYT,
Acting Attorney-General.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 8, 1906.

Hon. C. D. CLARK, Washington, D. C.

MY DEAR SIR: For some little time we have been using the Consolidated Index of the United States Statutes at Large in four volumes, commencing March 4, 1789, down to and including March 3, 1903, and after much personal use of the same, and hearing so many views expressed by gentlemen who have very carefully examined them, I can testify to their great value.

I have also found them to be accurate. I am confident that it would save much time and labor to have the same published and distributed according to the laws provided for similar publications. There is no question but what it is the most valuable work we have had. I have very readily found matters within a few minutes that ordinarily would have taken hours of time. One gentleman told me that he spent two hours trying to find a subject and could not do it until he used this index, and then he found the matter within a few minutes.

Of course it will take time and considerable use to determine as to their accuracy, but I do not think there is any question as far as this is concerned. We certainly commend it as a valuable work.

Very truly, yours,

JOHN J. JENKINS, Chairman.

DEPARTMENT OF STATE,
Washington, D. C., March 10, 1906.

Hon. C. D. CLARK,
Chairman Committee on the Judiciary,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, in which you state that you are sending to the Department four volumes of a Consolidated Index of the Statutes at Large from 1789 to 1903, for its examination, and that you would be glad if the Department would give you its views with regard to the reasonable compensation that should be made to Mr. Goodwin, who has made this index.

The four volumes have been received and have been examined by the librarian and the law clerk of the Department. They agree in the opinion that, if the work has been carefully and accurately done, which can only be proved by a thorough test, the volumes will be of great value and assistance to all who use them, and that a compensation of \$2,500 per volume, or \$10,000, for the entire work would be a fair compensation.

I have the honor to be, sir,
Your obedient servant,

ROBERT BACON,
Acting Secretary.

Mr. SPOONER. I offer an amendment to come in at the end of the bill.

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment, which will be stated.

The SECRETARY. At the end of the bill insert:

For salaries and other expenses of the United States court for China, \$20,500.

Mr. HALE. That is to carry out the law just passed.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 2997. An act for the relief of Capt. Sidney F. Shaw;

H. R. 3357. An act granting an honorable discharge to James B. Mulford;

H. R. 3393. An act granting an honorable discharge to Gallen E. Green;

H. R. 3498. An act for the relief of Stephen M. Honeycutt;

H. R. 3507. An act to correct the military record of George H. Keating;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisniewski;

H. R. 8631. An act for the relief of James M. Darling;

H. R. 8375. An act for the relief of John B. Ford;

H. R. 9577. An act for the relief of Charles H. Stockley;

H. R. 11153. An act to correct the military record of Robert B. Tubbs;

H. R. 12105. An act for the relief of Thomas Ross;

H. R. 13122. An act to correct the military record of John Allen;

H. R. 15673. An act for the relief of Harry A. Young; and

H. R. 16659. An act to correct the military record of Tobe Holt.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

H. R. 5651. An act for the relief of William H. Beall;

H. R. 7676. An act authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy;

H. R. 7741. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of pay clerk Walter Delafield Bollard, United States Navy;

H. R. 13669. An act to provide for raising Commodore Perry's flagship *Niagara*;

H. R. 13895. An act to correct the naval record of Michael Sheehan;

H. R. 14634. An act for the relief of George H. Chase;

H. R. 15027. An act to remove the charge of desertion against Cornelius O'Callaghan;

H. R. 19007. An act to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy; and

H. R. 18380. An act to complete the naval record of Charles W. Held.

H. R. 7014. An act to provide American registers for the steamers *Marie* and *Success* was read twice by its title, and referred to the Committee on Commerce.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

H. R. 11978. An act to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T.; and

H. R. 15909. An act to reward the widow and minor son of Capt. Charles W. Dakin, and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport *Meade*;

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

H. R. 7235. An act granting an increase of pension to Abel W. Payne; and

H. R. 19611. An act granting an increase of pension to Jacob Kinkery.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 8966. An act to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park; and

H. R. 20019. An act restricting the right of entry under the desert-land law to surveyed public lands, and limiting the right of assignment of such entries.

H. R. 19500. An act for the relief of the Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin; was read twice by its title, and referred to the Committee on Indian Affairs.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. Mr. President, I desire to submit a conference report on the bill H. R. 12987, known as the "rate bill." I ask that it be printed and that the bill as amended in the conference shall be printed, and in the morning at the earliest practicable moment I will call it up.

Mr. KEAN. I should like to ask the Senator what changes have been made in the report?

Mr. TILLMAN. The changes, you mean, since we reported last?

Mr. KEAN. Since the last conference report.

Mr. TILLMAN. There were only two items in disagreement. Those were the pass amendment and the pipe-line amendment. The pass amendment has been fixed up, I think—I hope, at least—satisfactorily. It will certainly be tight enough. The other has been altered by the insertion of the word "company" after "railroad."

The VICE-PRESIDENT. The report will be printed and the bill will be printed as it will be when amended.

Mr. TILLMAN. As it will be when it becomes a law.

The report submitted by Mr. TILLMAN is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 39, 45, 48, 49, 50, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested; persons injured in wrecks, and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation. Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars; and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in

an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February nineteenth, nineteen hundred and three, and any amendment thereof;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In line 2 strike out "common carrier" and insert "railroad company."

In line 3 strike out "district of the United States" and insert "the District of Columbia."

In line 4 strike out "district of the United States" and insert "the District of Columbia."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In line 2 strike out "shall promptly."

In line 2, after "of," insert "any lateral, branch line of railroad, or of."

In line 3, after "transportation," insert "shall."

In line 5, after "any," insert "such lateral, branch line of railroad, or."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 6, after "established," insert "If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection as aforesaid, the separately established rates, fares, and charges applied to the through transportation;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 1 strike out "special;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 3 strike out "section one of;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In line 1 strike out "shall."

In line 2, after "act," insert "shall."

In line 3 strike out "the first section of."

In line 6 strike out "section" and insert "act."

In line 17, after "tariffs," insert "Provided, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier.'"

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In line 2 strike out "representation" and insert "demand."

In line 3 strike out "of the need therefor."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lines 35 and 36 strike out "and willfully."

In line 77 strike out "district of the United States" and insert "the District of Columbia."

In line 78 strike out "district of the United States" and insert "the District of Columbia."

In line 79 strike out "and willfully."

In line 93 strike out "and willfully."

In lines 104, 105, 106, and 107 strike out "Provided, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 strike out "accrued claims" and insert "claims accrued prior to the passage of this act;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In line 4, after "the," insert "lawful."

In line 18 strike out "through whose negligence" and insert "on whose line."

In line 21, after "property," insert "as may be evidenced by any receipt, judgment, or transcript thereof."

And the Senate agree to the same.

S. B. ELKINS,

S. M. CULLOM,

Managers on the part of the Senate.

W. P. HEPBURN,

J. S. SHERMAN,

WILLIAM RICHARDSON,

Managers on the part of the House.

Mr. TILLMAN. It will be recalled that when we presented the first conference report we had incorporated a provision extending for sixty days the time when the rate law should go into effect. By some strange oversight the Senate had appeared to forget that this complicated machinery could not be put in running order immediately, and the conferees provided that it should not take effect until sixty days. But we got such a—well, I will use a slang phrase and I will say such a lambasting here, because we had presumed to put something in that was not in order, that we did not feel willing to try that any more. It will be absolutely necessary that the joint resolution which I send to the desk shall be considered and passed immediately, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from South Carolina asks for the present consideration of a joint resolution, which will be read at length.

The joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June, 1896, shall go into effect, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," shall take effect and be in force sixty days after its approval by the President of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

Mr. BACON. I suggest to the Senator it might be well to let the joint resolution lie until after the conference report has been acted upon.

Mr. TILLMAN. I know it is pretty difficult to describe what I have tried to describe in that joint resolution, the title and all the phraseology which describes what I desire to have accomplished. It is not an act, but it will be an act before this joint resolution is signed. The other measure will become an act before this can be passed. So I do not see why we can not start it on its passage. But if Senators who are lawyers feel disposed to say it is a little too previous, I am willing to let it lie over. Somebody has to take the responsibility besides me though.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

Mr. BAILEY. I suggest that an easy way out of it would be to allow the joint resolution to remain pending, and if the conference report is adopted in the Senate to-morrow, then, after the rate bill is sent to the President for his approval, this joint resolution can be passed through both Houses.

Mr. TILLMAN. It has got to be approved, too.

Mr. BAILEY. It must be approved.

Mr. CULLOM. It can be taken up and passed by the Senate immediately after the conference report shall have been adopted.

Mr. BAILEY. It can be passed here, and the President, of course, would be communicated with, and he would not sign the bill until the joint resolution comes to him; and he can sign both at the same time.

Mr. KEAN. The Senator can call up the joint resolution immediately after the conference report is disposed of.

Mr. TILLMAN. Then I ask that the joint resolution be printed.

The VICE-PRESIDENT. The joint resolution will go over, and it will be printed under the rule.

PUBLIC BUILDINGS BILL.

Mr. SCOTT. I do not know whether the Senate has forgotten the unfinished business, but it is the public buildings bill. I call attention to it.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. SCOTT. There are some corrections that the committee want to have inserted. On page 7, after the amendment that was added to line 4, I want to have an item inserted which was inadvertently overlooked.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment which will be read.

The SECRETARY. On page 7, after line 4, insert:

For additional work and completion of work on approaches of the United States post-office at Gainesville, Tex., \$2,500.

The amendment was agreed to.

Mr. SCOTT. On page 33 of the bill there are two misprints. On line 9 I move to strike out "fifteen" and insert "twenty."

The VICE-PRESIDENT. Without objection, the committee amendment will be considered as open for the purpose of amendment.

The SECRETARY. On page 33, line 9, after the word "Wisconsin," strike out "fifteen" and insert "twenty;" so as to read:

United States post-office at Beloit, Wis., \$20,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SCOTT. There is another misprint in line 16, page 33. The printed bill reads "\$7,400." It should read "\$7,500." There is a mistake in "four" there. It should be "five."

The VICE-PRESIDENT. The committee amendment will be considered as open to amendment.

The SECRETARY. On page 33, line 16, after the word "thousand," strike out "four" and insert "five;" so as to read:

United States post-office at Lander, Wyo., \$7,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SCOTT. On page 30, line 7, after the words "New Hampshire," it should read "twenty" in place of "fifteen."

The VICE-PRESIDENT. The committee amendment heretofore agreed to will be considered as open to amendment.

The SECRETARY. On page 30, line 7, in the committee amendment, after the words "New Hampshire," strike out "fifteen" and insert "twenty;" so as to read:

United States post-office at Keene, N. H., \$20,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SCOTT. I send to the desk a letter from the Secretary of the Treasury and ask the Secretary to read it, and then I will offer an amendment. The Senate will have to be the judge as to whether it will accept it or not. I ask the careful attention of the Senate to the reading of that letter.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows:

TREASURY DEPARTMENT, Washington, June 27, 1906.

DEAR SIR: I have several times recommended the sale of the assay office at New York and the purchase of a new site. This recommendation has never received serious consideration. Something must be done, and it is a question of doubt in my mind whether these previous recommendations should be followed or whether the present assay office should be repaired. The sole argument in favor of the former is the fact that the sale of the present site will purchase a new one and erect an excellent building. The present site, however, adjoins the subtreasury, and there are some advantages in allowing it to remain. It is now in a dangerous condition and liable to collapse any day.

I will be glad to have your committee consider the alternate proposition. If it is to be repaired, an appropriation should be made of \$350,000. This, I think, would put the Assay Office in good condition and connect the basement with the subtreasury, so as to avoid the passage of gold on the outside.

Very truly, yours,

L. M. SHAW.

Hon. N. B. SCOTT,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

Mr. SCOTT. I offer the following amendment, and then it will be for the Senate to determine what they want to do. It is an amendment drawn by the Secretary of the Treasury.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment, which will be read.

The SECRETARY. In section 2, page 6, after line 2, insert:

Assay office, New York City, N. Y., \$350,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment just reported.

The amendment was agreed to.

Mr. DICK. I desire to offer the following amendment.

The SECRETARY. Amend section 8, at the foot of page 21, by inserting the following:

United States post-office at Mansfield, Ohio, \$65,000.

Mr. DICK. Mr. President, this amendment is in the nature of a correction of an omission made by the House committee, which agreed upon this amount for this purpose. To that effect I have the statement of the chairman of the committee, as

has also my colleague, who has received a letter from him of the same import.

In any event, Mansfield is a city of 25,000 people, whose postal receipts aggregate about \$65,000 annually. It is a county seat, with large postal business, and is now paying more than \$2,000 annually for crowded quarters. I think perhaps it is the only case of a city so large and so important without a public building in the State of Ohio.

The VICE-PRESIDENT. Without objection—the question is on agreeing to the amendment submitted by the Senator from Ohio. [Putting the question.]

Mr. CULBERSON. I respectfully submit that we ought to have an opportunity to vote on these amendments. Of course if a solitary objection can defeat an amendment, probably it would be done; but I submit that the amendment itself ought to be submitted to the Senate.

The VICE-PRESIDENT. The amendment was submitted to the Senate. The Chair called for the ayes and the noes.

Mr. CULBERSON. I understood the Chair to say the amendment would be agreed to unless there was objection.

The VICE-PRESIDENT. The Chair started to say it, but corrected himself and asked for a vote.

Mr. CULBERSON. Very well. I will ask for a vote on the amendment.

The VICE-PRESIDENT. The Chair will put the question again.

Mr. WARREN. I should like to know what the amendment is.

The VICE-PRESIDENT. It will be again read.

The SECRETARY. On page 21, after line 25, insert:

United States post-office at Mansfield, Ohio, \$65,000.

Mr. WARREN. Mr. President, I want to appeal to the Senator from Ohio. Ohio is a great State and is most ably represented here on this floor. I have been very much interested in statements made in favor of putting back the figures to where the House had them in regard to certain places in Ohio. That State has, according to the list now in this bill, fifteen public buildings, I think. They amount to more than any of the other States in the Union, excepting, perhaps, Pennsylvania and New York.

While I should be delighted to vote for this subject-matter or for this project in another bill, it seems to me that if we go on and load up this bill now under consideration in that proportion as to other States we are going to get a very ungainly and unsafe measure to handle.

I wish to say another thing in this connection—

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I do.

Mr. FORAKER. The Senator, perhaps, was so occupied that he did not hear the statement of my colleague that this item was omitted by accident in the printing of the bill. It was considered in the House committee and it was agreed to there and ordered to be put into the bill, and everybody supposed it had been reported, but when the bill came from the Public Printer it was out. The chairman of the committee, Mr. BARTHOLOMEW, wrote me a letter to that effect, and I ought to have had it here to read, but I mislaid it somehow. I will at a later date, if necessary, for I imagine I have not lost it, produce it. He stated that to my colleague, and he stated it to others here. So this item was considered in the committee.

There is not another city in our State of any size that has not a public building. It is the one where Senator Sherman lived all the years of his public life.

Mr. WARREN. The Senator will argue himself out of court if he continues along that line, because if every town of any size in Ohio already has a public building, other States that have less than a half dozen public buildings, all told, will probably insist that this one remain unprovided for at present.

Mr. FORAKER. The Senator was talking, and I was afraid he had not heard the statement of my colleague.

Mr. WARREN. It is true I did not hear the statement made that it was left out in the House by mistake.

I will state that we have a list of bills in the House of every public-building bill that was introduced there and duly considered by its committee. We also have a list of every public-building bill introduced in the Senate and considered by the Senate committee, and you may search in vain for a single missing one for Ohio. Every last one of them the House asked for, or the Senate, favorably considered in this Congress for Ohio, so far as we know, is here present in this bill.

If the item was left out by the House, and of course I accept

the Senator's statement that it was, it is something I had no knowledge of until now, and I am sorry.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. SCOTT. Mr. President, I do hope Senators will remember that if we live (and if we do not somebody else will occupy our positions here) there will be another public-buildings bill in the course of human events, and we should not load this bill down so that when it goes over to the other end of the Capitol we may lose the entire measure.

I had an intimation that this bill should not carry over a certain amount if we hoped to get it through. While I am friendly to every Senator upon this floor, and would be glad to do him a personal favor at any time, I do hope that Senators will refrain from so loading this bill down as to endanger its loss.

The VICE-PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] In the opinion of the Chair, the "noes" have it.

Mr. DICK. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The amendment is rejected.

Mr. McLAURIN. Mr. President, I gave notice this morning that I would move to amend, on page 19, line 20, so as to make the appropriation for the United States post-office and other governmental offices at Greenville, Miss., \$100,000 instead of \$60,000. After consulting Mr. HUMPHREYS, the Representative of the district in which Greenville is located, and taking his suggestions, I shall not offer that amendment; but I wish to say that I hope the conferees on the part of the Senate will see their way clear to make the appropriation \$75,000 instead of \$60,000.

Greenville is a city with a considerable amount of business. It is a growing city. It is on the river, at the end of one of the great railroad systems between Washington, Miss., and the Mississippi River. I think at no distant day there will be established there a Federal court-house, and an appropriation of \$60,000, after taking out the amount of money necessary to buy a site, would not provide a building sufficient for the post-office, the district court, and other governmental offices.

I wish to say, while I am on my feet, that the reduction of the amount as it appears in the bill as it came from the House for the United States post-office at Hattiesburg, Miss., from \$15,000 to \$7,500 to buy a site is a mistake, for the reason that \$7,500 will not now buy in that city a piece of land half as large as this Chamber, and in a year from now \$15,000 will not buy a piece of ground half as large as this Chamber in the city of Hattiesburg.

That city, by the census of 1900, contained something like four or five thousand people. Now it contains about three or four times that number. It is a very rapidly growing city, as is evidenced by the postal receipts, which were \$25,000 for last fiscal year, and for the fiscal year 1905-6 there will probably be nearly double that amount.

I think it is a great mistake for the Senate to cut down the appropriation of \$15,000, as it was made by the House, for the post-office at Hattiesburg, to \$7,500; and I hope the conferees on the part of the Senate—for it is apparent that it will be necessary to have a conference—will put back the amount at \$15,000.

Mr. PILES. Mr. President, I reserved an objection to the committee amendment reducing the appropriation for a building site at Bellingham, Wash., from \$25,000 to \$10,000, and also reducing the appropriation for a similar site at North Yakima, Wash., from \$20,000 to \$10,000.

While I appreciate that the Senate intends to sustain the committee amendments and put the whole matter in conference, I should like to say a few words in respect to the cities of Bellingham and North Yakima for the benefit of committee. Bellingham is a seaport city and has a population of something like 28,000. Its water commerce in 1904—I have not the figures for 1905—was over \$5,000,000. That city has grown during the last three years to wonderful proportions and is rapidly increasing in its growth. It has two great transcontinental railroad systems—the Great Northern and the Northern Pacific, and a direct connection with the Canadian Pacific, besides local roads and water lines. Its postal receipts during the last fiscal year were over \$40,000.

It is simply impossible to purchase a suitable building site in that progressive city at the present time for \$10,000. A business lot on one of the business streets of the city can not be bought for less than \$30,000 or \$60,000.

Now, as to the city of North Yakima, instead of having a population of 3,000 and being a little country town, as the committee seem to have supposed, it is situated in one of the finest fruit regions, I think, in the western country. It is a city of from eight to ten thousand people. There has recently been

set aside by the reclamation department of the Government \$2,450,000 for the irrigation of lands in the Yakima Valley, of which the city of Yakima is the center, and an expenditure is contemplated of from nine to twelve million dollars in irrigating lands in that valley. It is impossible now to buy first-class land in that fruit region within 2 miles of that city for less than five hundred to a thousand dollars an acre. People engaged in the fruit business there can and do make as much as a thousand dollars per acre per annum on their fruit land. If this were a small, backwoods town, a site might be bought for a public building for the insignificant sum of \$10,000, but North Yakima is a progressive city situated in the heart of a great agricultural and fruit-raising section.

I hope the committee will take into consideration these facts when the bill goes into conference and give to these cities the amounts awarded by the House.

I do not care to take up any more time of the Senate at present on this matter.

Mr. SPOONER. Mr. President, few men, unless they have visited the North Pacific coast, have any adequate conception of the great rapidity with which that country is developing. What the Senator from Washington says as to the status of the two places he has mentioned I know to be quite accurate, for within a year I had the very great pleasure of visiting the Pacific coast—Seattle, Spokane, and other places—and I know about the places the Senator has mentioned. It is absolutely not to be doubted that an appropriation of \$10,000 to buy an adequate site for a public building in either of those places is equivalent to no appropriation at all. I do not know what the House bill allows on that subject.

Mr. WARREN. I have it here. The House allowed \$25,000 for the public building at Bellingham and \$20,000 for the public building at North Yakima. These amounts have been cut down by the Senate committee in each case to \$10,000.

Mr. PILES. Twenty-five thousand dollars and \$20,000 is the lowest possible figure for which a suitable site can be purchased at the respective cities.

Mr. SCOTT. Mr. President, the Senator from Washington [Mr. PILES] knows a great deal more about the cities of which he has spoken than I do, though I am somewhat familiar with the western country. I happen to know that a fruit farm in the town of North Yakima sold with the fruit trees on it, bearing some of the finest apples I ever saw, for \$5,000. It also had a house on it. The Senator from Washington tells us that a site can not be bought there for less than fifteen or twenty-five thousand dollars. What I state is of my own personal knowledge.

Mr. PILES. I will ask the Senator when the sale to which he refers was made?

Mr. SCOTT. About two years ago.

Mr. PILES. Was it within the corporate limits of the city?

Mr. SCOTT. I think not in the corporate limits, but right adjoining.

Mr. PILES. The Senator states that was about two years ago. At the present time, I will say to the Senator, that no man can, in my judgment, buy a first-class fruit farm within a mile of the town of North Yakima for less than \$1,000 an acre.

Mr. SCOTT. Mr. President, I do not care to get into a discussion as to the value of property except where I think I have some knowledge of it.

The Committee on Public Buildings and Grounds in their deliberations during the night did the best they could, and it is for the Senate, and not for me as chairman of the committee or for any member of the committee, to say that the Senate shall not do just what it pleases. If it wants to increase the amount carried by this bill, of course it has a perfect right to do so.

I appeal to the Senator from Washington [Mr. PILES], the Senator from Wisconsin [Mr. SPOONER], and the Senator from Wyoming [Mr. WARREN], as western men—and I think I have been in the West perhaps as much as any Senator on this floor who has not lived in the West—I appeal to Senators that they should at least have some confidence in the Senators who expect to represent the Senate as conferees on this bill.

Mr. PILES. I have nothing further to say, Mr. President.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PENROSE. I offer the amendment which I send to the desk, to come in on page 14, after line 4.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, after line 4, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion on the site already acquired by the Government of the United States for the purpose of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation

of the United States post-office and other Government offices in the city of Albuquerque, Territory of New Mexico, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$200,000. The building shall be unexposed to danger from fire by an open space of at least 20 feet on each side, including streets and alleys.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. SCOTT. I believe there was provision for a building in one Territory incorporated in the bill, that being a building at Oklahoma City, Okla.; but it was stricken out because there were no appropriations for the other Territories. I simply want the Senate to remember that we struck out the provision for a building at Oklahoma City.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

Mr. PENROSE. I desire to offer the amendment which I send to the desk, to come in on page 7, after line 22.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 22, it is proposed to insert:

For the improvement of the public building at Pottsville, Pa., by the addition of a new roof and the construction of a new cornice, \$25,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOURLY OF MEETING.

Mr. KEAN. I move that when the Senate adjourns to-day, it be to meet at 11 o'clock to-morrow morning.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey.

The motion was agreed to.

DANIEL B. MURPHY.

The bill (H. R. 13142) for the relief of Daniel B. Murphy was read twice by its title.

Mr. KEAN. A similar Senate bill was reported to-day by the Senator from Ohio [Mr. FORAKER]. I ask unanimous consent for the present consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that Daniel B. Murphy, late adjutant of the Twenty-fifth Regiment New Jersey Volunteer Infantry, shall be held and considered to have been honorably discharged from that regiment on February 18, 1863, and that the Secretary of War shall issue to him an honorable discharge as of that date.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I move that the bill (S. 4477) for the relief of Daniel B. Murphy be indefinitely postponed.

The motion was agreed to.

AMERICAN REGISTRY FOR BARK HOMEWARD BOUND.

The bill (H. R. 11932) to grant American registry to the bark *Homeward Bound* was read twice by its title.

Mr. GALLINGER. The Committee on Commerce has reported favorably a Senate bill similar to that. The House bill is only three or four lines long. There is no objection to it anywhere, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioner of Navigation to register as an American vessel the bark *Homeward Bound*, now sailing under a limited American register.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF LAPÈNE & FERRÉ.

Mr. SPOONER. Mr. President, some time ago I entered a motion to reconsider the vote by which the bill (S. 1532) for the relief of the legal representatives of the late firm of Lapène & Ferré was passed in order that I might investigate it. I have not had an opportunity to investigate it, but I have talked with the Senator from Minnesota [Mr. CLAPP], who reported the bill, and I ask leave to withdraw the motion to reconsider.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws his motion to reconsider the vote by which the bill named by him was passed. The bill therefore stands passed.

WABASH RIVER BRIDGE.

The bill (H. R. 20451) to authorize the construction of a bridge across the Wabash River was read twice by its title.

Mr. KEAN. I move that the Senate adjourn.

Mr. BERRY. I ask the Senator to withhold his motion a moment.

Mr. KEAN. Very well.

Mr. BERRY. A Member of the House from Indiana, Mr. OVERSTREET, told me about this bill being of very great importance. In order that it may go through, on behalf of the Committee on Commerce, I, representing the bridge part of that committee, ask unanimous consent that the bill be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHINEAS HYDE.

Mr. CARMACK. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6495) granting an increase of pension to Phineas Hyde, to report it without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Phineas Hyde, late of Company I, Eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUE OF GEN. HENRY LEAVENWORTH.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 43) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans., to report it without amendment. I call the attention of the Senator from Kansas to the joint resolution.

Mr. LONG. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to deliver to the General Henry Leavenworth Monument Committee, of Leavenworth, Kans., such condemned bronze cannon as he may deem proper, to be used in the erection of a life-size statue to the memory of the late Gen. Henry Leavenworth, at Leavenworth, Kans.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 29, 1906, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 28, 1906.

CONSUL.

William C. Teichmann, of Missouri, to be consul of the United States of class 8 at Elbenstock, Saxony, to fill an original vacancy.

The nomination of William C. Teichmann for this office, sent to the Senate on the 27th instant, is hereby withdrawn.

ASSISTANT TREASURER.

William Boldenweck, of Illinois, to be assistant treasurer of the United States at Chicago, Ill., to succeed William P. Williams, whose term of office has expired by limitation.

APPRAISER OF MERCHANDISE.

Thomas O'Shaughnessy, of Illinois, to be appraiser of merchandise in the district of Chicago, in the State of Illinois, to succeed Luman T. Hoy, resigned.

UNITED STATES ATTORNEY.

Edwin W. Sims, of Illinois, to be United States attorney for the northern district of Illinois, commencing September 1, 1906, vice Charles B. Morrison, resigned, to take effect on that date.

UNITED STATES MARSHAL.

Luman T. Hoy, of Illinois, to be United States marshal for the northern district of Illinois, vice John C. Ames, whose term expired December 17, 1905.

COLLECTORS OF CUSTOMS.

John C. Ames, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois, to succeed William Penn Nixon, whose term of office has expired by limitation.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina. (Reappointment.)

PENSION AGENT.

Charles Bent, of Morrison, Ill., to be pension agent at Chicago, Ill., vice Jonathan Merriam, term expired.

SURVEYOR OF CUSTOMS.

George H. Ludde, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa. (Reappointment.)

SECRETARY OF LEGATION.

Jacob Sleeper, of Massachusetts, now secretary of the legation at Habana, to be secretary of the legation of the United States at Caracas, Venezuela, vice Norman Hutchinson, nominated to be secretary of the legation at Stockholm.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

To be colonels.

Lieut. Col. Stanhope E. Blunt, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Lieut. Col. Frank Heath, Ordnance Department, from June 25, 1906, to fill an original vacancy.

To be lieutenant-colonels.

Maj. Rogers Birnie, Ordnance Department, from June 25, 1906, vice Blunt, promoted.

Maj. Ira MacNutt, Ordnance Department, from June 25, 1906, vice Heath, promoted.

Maj. Frank Baker, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Maj. Orin B. Mitcham, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Maj. Lawrence L. Bruff, Ordnance Department, from June 25, 1906, to fill an original vacancy.

To be majors.

Capt. John T. Thompson, Ordnance Department, from June 25, 1906, vice Birnie, promoted.

Capt. Charles B. Wheeler, Ordnance Department, from June 25, 1906, vice MacNutt, promoted.

Capt. William S. Peirce, Ordnance Department, from June 25, 1906, vice Baker, promoted.

CORPS OF ENGINEERS.

Lieut. Col. Daniel W. Lockwood, Corps of Engineers, to be colonel from June 27, 1906, vice Ernst, retired from active service.

Maj. James L. Lusk, Corps of Engineers, to be lieutenant-colonel from June 27, 1906, vice Lockwood, promoted.

Capt. Chester Harding, Corps of Engineers, to be major from June 27, 1906, vice Lusk, promoted.

PROMOTIONS IN THE NAVY.

Professor of Mathematics Phillip R. Alger, to be a professor of mathematics in the Navy, with the rank of captain, from the 21st day of June, 1906, vice Professor of Mathematics William W. Hendrickson, retired.

Professor of Mathematics Thomas J. J. See to be a professor of mathematics in the Navy, with the rank of commander, from the 21st day of June, 1906, vice Professor of Mathematics Phillip R. Alger, promoted.

Second Lieut. Walter N. Hill to be a first lieutenant in the Marine Corps from the 26th day of June, 1906, vice First Lieut. Provence McCormick, jr., resigned.

Robert Tittoni, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps from the 26th day of June, 1906, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

CONNECTICUT.

William F. Bidwell to be postmaster at Killingly, in the county of Windham and State of Connecticut. Office will become Presidential July 1, 1906.

William C. Hungerford to be postmaster at Oakville, in the county of Litchfield and State of Connecticut. Office will become Presidential July 1, 1906.

George W. Merritt to be postmaster at Greenwich, in the county of Fairfield and State of Connecticut, in place of George E. Schofield, resigned.

ILLINOIS.

Frank J. Clendenin to be postmaster at East Moline, in the county of Rock Island and State of Illinois. Office will become Presidential July 1, 1906.

IOWA.

Isaac Patterson to be postmaster at St. Ansgar, in the county of Mitchell and State of Iowa, in place of Andrew N. Lund. Incumbent's commission expired January 31, 1906.

KANSAS.

Isaac B. Davis to be postmaster at Marysville, in the county of Marshall and State of Kansas, in place of Isaac B. Davis. Incumbent's commission expired June 27, 1906.

MASSACHUSETTS.

William H. Foote to be postmaster at Westfield, in the county of Hampden and State of Massachusetts, in place of William H. Foote. Incumbent's commission expired May 26, 1906.

George M. Solomon to be postmaster at Hinsdale, in the county of Berkshire and State of Massachusetts. Office will become Presidential July 1, 1906.

MICHIGAN.

Albert U. King to be postmaster at Augusta, in the county of Kalamazoo and State of Michigan. Office will become Presidential July 1, 1906.

MINNESOTA.

Samuel C. La Due to be postmaster at Fertile, in the county of Polk and State of Minnesota, in place of Brown Duckstad, resigned.

MISSISSIPPI.

Mattie O. Golden to be postmaster at Hollandale, in the county of Washington and State of Mississippi, in place of Robert S. Golden, deceased.

MISSOURI.

R. K. Megown to be postmaster at Monroe City, in the county of Monroe and State of Missouri, in place of James P. Patton. Incumbent's commission expired May 19, 1906.

William H. Yancey to be postmaster at La Belle, in the county of Lewis and State of Missouri, in place of John G. Richmond. Incumbent's commission expired June 24, 1906.

NEW JERSEY.

Joseph Hodapp to be postmaster at Spotswood, in the county of Middlesex and State of New Jersey. Office will become Presidential July 1, 1906.

NEW YORK.

Charles G. Curtis to be postmaster at Callicoon, in the county of Sullivan and State of New York. Office will become Presidential July 1, 1906.

Henry D. Ford to be postmaster at Central Valley, in the county of Orange and State of New York. Office will become Presidential July 1, 1906.

John A. Hanna to be postmaster at Dover Plains, in the county of Dutchess and State of New York. Office will become Presidential July 1, 1906.

Emmons R. Stockwell to be postmaster at Theresa, in the county of Jefferson and State of New York, in place of Emmons R. Stockwell. Incumbent's commission expired June 25, 1906.

NORTH DAKOTA.

David Larin to be postmaster at Mayville, in the county of Traill and State of North Dakota, in place of David Larin. Incumbent's commission expires June 30, 1906.

OHIO.

Sherman H. Eagle to be postmaster at Gallipolis, in the county of Gallia and State of Ohio, in place of Sherman H. Eagle. Incumbent's commission expired May 15, 1906.

William F. Hains to be postmaster at Wilmington, in the county of Clinton and State of Ohio, in place of William F. Hains. Incumbent's commission expired June 27, 1906.

PENNSYLVANIA.

G. Gillette Saxton to be postmaster at Tioga, in the county of Tioga and State of Pennsylvania, in place of Sarah M. Lowell, resigned.

TENNESSEE.

Gillis T. Johnston to be postmaster at Kingston, in the county of Roane and State of Tennessee. Office will become Presidential July 1, 1906.

VERMONT.

William G. Foss to be postmaster at Wells River, in the county of Orange and State of Vermont. Office will become Presidential July 1, 1906.

WYOMING.

Derealous C. Bowman to be postmaster at Basin, in the county of Bighorn and State of Wyoming. Office will become Presidential July 1, 1906.

WITHDRAWAL.

Executive nomination withdrawn from the Senate June 28, 1906.

E. Scott Hotchkiss, of Wisconsin, for promotion to be consul of the United States of class 9 at Hobart, Tasmania, to fill an original vacancy, which was sent to the Senate on the 15th instant.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 28, 1906.

CONSUL-GENERAL.

Clarence Rice Slocum, of New York, now consul at Welmar, for promotion to be consul-general of the United States of class 5 at Boma, Kongo Free State.

CONSULS.

William Coffin, of Kentucky, to be consul of the United States of class 9 at Maskat, Oman.

William C. Teichmann to be consul of the United States of class 8 at Eibenstock, Saxony.

Louis J. Rosenberg, of Michigan, to be consul of the United States of class 7 at Seville, Spain.

William J. Yerby, of Tennessee, to be consul of the United States of class 9 at Sierra Leone, West Africa.

E. Scott Hotchkiss, of Wisconsin, now consul at Brockville, for promotion to be consul of the United States of class 9 at Calgary, Alberta, Canada.

INDIAN INSPECTOR.

William H. Code, of Arizona, to be an Indian inspector (chief irrigation engineer), to take effect June 28, 1906.

ASSISTANT TREASURER AT CHICAGO.

William Boldenweck, of Illinois, to be assistant treasurer at Chicago, Ill.

APPRAISER OF MERCHANDISE.

Thomas O'Shaughnessy, of Illinois, to be appraiser of merchandise in the district of Chicago.

PENSION AGENT.

Charles Bent, of Morrison, Ill., to be pension agent at Chicago, Ill.

UNITED STATES ATTORNEYS.

John C. Rose, of Maryland, to be United States attorney for the district of Maryland.

Edwin W. Sims, of Illinois, to be United States attorney for the northern district of Illinois, commencing September 1, 1906.

MARSHALS.

John F. Langhammer, of Maryland, to be United States marshal for the district of Maryland.

Luman T. Hoy, of Illinois, to be United States marshal for the northern district of Illinois.

Edwin R. Durham, of Missouri, to be United States marshal for the western district of Missouri.

Ruel Rounds, of Idaho, to be United States marshal for the district of Idaho.

DISTRICT BOARD OF CHARITIES.

John Joy Edson, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1906.

George M. Kober, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1906.

SECRETARIES OF EMBASSY.

Peter Augustus Jay, of Rhode Island, now secretary of the legation at that place, to be secretary of the embassy of the United States at Constantinople, Turkey.

Lewis Einstein, of New York, now second secretary of the legation at that place, to be second secretary of the embassy of the United States at Constantinople, Turkey.

SECRETARIES OF LEGATION AND CONSULS-GENERAL.

Irwin B. Laughlin, of Pennsylvania, now second secretary of the legation at Tokyo, to be secretary of the legation and consul-general of the United States at Bangkok, Siam.

Montgomery Schuyler, jr., of New York, now secretary of the legation and consul-general at Bangkok, to be secretary of the legation and consul-general to Roumania and Servia.

Thomas Ewing Moore, of the District of Columbia, now secretary of the legation and consul-general to Roumania and Servia, for promotion to be secretary of the legation of the United States at Peking, China.

SECRETARIES OF LEGATION.

Norman Hutchinson, of California, now secretary of the legation at Caracas, to be secretary of the legation of the United States at Stockholm, Sweden.

Jacob Sleeper, of Massachusetts, now secretary of legation at Habana, to be secretary of the legation of the United States at Caracas, Venezuela.

COLLECTORS OF CUSTOMS.

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina.

John C. Ames, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois.

SURVEYOR OF CUSTOMS.

George H. Ludde, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet George William Kleinberg, of California, to be a third lieutenant in the Revenue-Cutter Service of the United States, in accordance with the act of Congress approved June 23, 1906.

Cadet Archibald Howard Scally, of Maine, to be a third lieutenant in the Revenue-Cutter Service of the United States, in accordance with the act of Congress approved June 23, 1906.

Chief Engineer John Quincy Walton to be a constructor in the Revenue-Cutter Service of the United States, in accordance with the act of Congress approved June 23, 1906.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Maj. James L. Lusk, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a Mississippi River Commission for the improvement of said river from the Head of the Passes near its mouth to its headwaters."

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Walter T. Duggan, First Infantry, to be brigadier-general from June 26, 1906.

TO BE SECOND LIEUTENANTS.

Corps of Engineers.

Cadet Harold Storrs Hetrick.
Cadet William Albert Johnson.
Cadet James Josephus Loving.
Cadet Frederick Blundon Downing.
Cadet Edmund Leo Daley.
Cadet Henry Abercrombie Finch.
Cadet Edward Dahl Ardery.
Cadet Fredric Erastus Humphreys.
Cadet Charles Kellogg Rockwell.

Artillery Corps.

Cadet George Milburn Morrow, jr.
Cadet James Wilson Riley.
Cadet Lloyd Patzlaff Horsfall.
Cadet Charles Gearhart Mettler.
Cadet Charles Bhaer Gatewood.
Cadet Joseph Halley Pelot.
Cadet Morgan Lewis Brett.
Cadet Henry Walter Torney.
Cadet Forrest Estey Williford.
Cadet James Syer Bradshaw.
Cadet Earl McFarland.
Cadet Joseph Andrew Green.
Cadet Alexander Garland Pendleton.
Cadet John Cleves Henderson.
Cadet Harold Wood Huntley.
Cadet Walter Marantette Wilhelm.
Cadet Edward White Wildrick.
Cadet Walter Edward Donahue.
Cadet Alexander Garfield Gillespie.
Cadet Edwin De Land Smith.
Cadet John Sedgwick Pratt.

Cavalry Arm.

Cadet Richard Coke Burleson.
Cadet Jonathan Mayhew Wainwright.
Cadet Frederick Thibaut Dickman.
Cadet Walter Stephen Sturgill.
Cadet Adna Romanza Chaffee, jr.
Cadet Roy F. Waring.
Cadet Dawson Olmstead.
Cadet George W. De Armond.
Cadet John George Quekemeyer.
Cadet Frank Maxwell Andrews.
Cadet Harry Dale Ross Zimmerman.
Cadet Cortlandt Parker.
Cadet Joseph Choate King.
Cadet Ralph McTyeire Pennell.
Cadet Pierre Victor Kleffer.
Cadet George Leroy Converse, jr.

Infantry Arm.

Cadet Arthur Dean Minick.
 Cadet Charles Alexander Lewis.
 Cadet Paul Revere Manchester.
 Cadet Byard Sneed.
 Cadet Oscar Westover.
 Cadet Hally Fox.
 Cadet Martyn Hall Shute.
 Cadet Matt Enright Madigan.
 Cadet William Edward Lane, jr.
 Cadet Fred Alden Cook.
 Cadet George Gordon Bartlett.
 Cadet Henry Black Claggett.
 Cadet Clyde Rush Abraham.
 Cadet Harry Albert Schwabe.
 Cadet John Conrad Maul.
 Cadet George Harris Paine.
 Cadet Donald Allister Robinson.
 Cadet René Edward De Russey Hoyle.
 Cadet George Engelman Turner.
 Cadet Phillip Mathews.
 Cadet Richard Herbert Jacob.
 Cadet Ralph Allen Jones.
 Cadet Calvert Lloyd Davenport.
 Cadet Horace Fletcher Spurgin.
 Cadet Robert Nelson Campbell.
 Cadet Howard Kendall Loughry.
 Cadet Hugo Daniels Schultz.
 Cadet Max Akin Elser.
 Cadet George Rivers Byrd.
 Cadet William Torbert MacMillan.
 Cadet Marcellus Hagans Thompson.
 Cadet William Watts Rose.

MEDICAL DEPARTMENT.

To be assistant surgeons, with the rank of first lieutenant, from June 20, 1906.

Albert Gallatin Love, of Tennessee.
 Harold Wellington Jones, of Missouri.
 Omar Walker Pinkston, of Missouri.
 Mathew Aaron Reasoner, of Illinois.
 Henry James Nichols, of New York.
 Louis Hedven Hanson, of Wisconsin.
 Lucius Locke Hopwood, of Iowa.
 Charles Ernest Freeman, of Missouri.
 Ferdinand Schmitter, of New York.
 Howard Alden Reed, of Pennsylvania.
 Henry Blodgett McIntyre, of Vermont.

PROMOTIONS IN THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. Oswald H. Ernst, Corps of Engineers, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

ARTILLERY CORPS.

Lieut. Col. John D. C. Hoskins, Artillery Corps, to be colonel from June 22, 1906.
 Maj. William B. Homer, Artillery Corps, to be lieutenant-colonel from June 22, 1906.
 Capt. Henry C. Davis, Artillery Corps, to be major from June 22, 1906.

*INFANTRY ARM.**To be first lieutenants.*

Second Lieut. Wallace McNamara, Twenty-seventh Infantry, from June 30, 1905.
 Second Lieut. William J. Schmidt, Twenty-sixth Infantry, from July 17, 1905.
 Second Lieut. David A. Henkes, Twenty-eighth Infantry, from July 20, 1905.
 Second Lieut. Guy E. Bucker, Second Infantry, from July 28, 1905.
 Second Lieut. Robert G. Peck, Twenty-seventh Infantry, from July 28, 1905.
 Second Lieut. Robert J. Binford, Fifteenth Infantry, from July 28, 1905.
 Second Lieut. John A. Brockman, Seventh Infantry, from July 29, 1905.
 Second Lieut. Robert W. Adams, Second Infantry, from August 8, 1905.
 Second Lieut. Sheldon W. Anding, Eighth Infantry, from August 8, 1905.
 Second Lieut. William G. Murchison, Eighth Infantry, from August 11, 1905.

Second Lieut. Charles C. Finch, Eleventh Infantry, from August 15, 1905.
 Second Lieut. John S. McCleery, Twentieth Infantry, from August 21, 1905.
 Second Lieut. Elvin H. Wagner, Seventeenth Infantry, from August 30, 1905.
 Second Lieut. Thomas W. Brown, Twenty-seventh Infantry, from September 2, 1905.
 Second Lieut. Otis R. Cole, Nineteenth Infantry, from September 10, 1905.
 Second Lieut. Shelby C. Leasure, Fourteenth Infantry, from September 12, 1905.
 Second Lieut. Daniel E. Shean, Sixteenth Infantry, from September 22, 1905.
 Second Lieut. Charles F. Herr, Nineteenth Infantry, from September 22, 1905.

*INFANTRY ARM.**To be first lieutenants.*

Second Lieut. Vernon W. Boller, Twentieth Infantry, from June 17, 1905.
 Second Lieut. Fred H. Turner, Twenty-third Infantry, from October 4, 1905.
 Second Lieut. Edwin C. Saunders, Twenty-ninth Infantry, from October 6, 1905.
 Second Lieut. Walter Krueger, Thirtieth Infantry, from October 10, 1905.
 Second Lieut. Beverly C. Daly, Thirteenth Infantry, from October 11, 1905.
 Second Lieut. Asa L. Singleton, Fifth Infantry, from October 24, 1905.
 Second Lieut. Arthur L. Bump, Eighth Infantry, from October 29, 1905.
 Second Lieut. Willis E. Mills, Ninth Infantry, from October 30, 1905.
 Second Lieut. Gilbert A. McElroy, Thirteenth Infantry, from October 30, 1905.
 Second Lieut. Harry W. Gregg, Fourteenth Infantry, from November 2, 1905.
 Second Lieut. Sylvester C. Loring, Twenty-seventh Infantry, from November 11, 1905.
 Second Lieut. William E. Roberts, Twenty-second Infantry, from November 15, 1905.
 Second Lieut. Staley A. Campbell, Seventeenth Infantry, from November 29, 1905.
 Second Lieut. John R. Brewer, Twenty-third Infantry, from December 25, 1905.
 Second Lieut. Leo A. Dewey, Seventeenth Infantry, from December 28, 1905.
 Second Lieut. John P. McAdams, Eleventh Infantry, from January 2, 1906.
 Second Lieut. Nolan V. Ellis, Eleventh Infantry, from January 4, 1906.
 Second Lieut. Richard Wetherill, Nineteenth Infantry, from January 12, 1906.
 Second Lieut. John B. Barnes, Twenty-ninth Infantry, from January 18, 1906.
 Second Lieut. Thomas T. Duke, Fifth Infantry, from January 24, 1906.
 Second Lieut. Harry A. Wells, Twenty-ninth Infantry, from February 5, 1906.
 Second Lieut. George W. Harris, Ninth Infantry, from February 5, 1906.
 Second Lieut. Edward G. McCleave, Twenty-ninth Infantry, from February 7, 1906.
 Second Lieut. John K. Cowan, Eighteenth Infantry, from February 7, 1906.
 Second Lieut. Pat M. Stevens, Twenty-third Infantry, from February 17, 1906.
 Second Lieut. George S. Gillis, Twenty-sixth Infantry, from February 18, 1906.
 Second Lieut. Jacob Schick, Fourteenth Infantry, from February 23, 1906.
 Second Lieut. Deas Archer, Twenty-sixth Infantry, from February 24, 1906.
 Second Lieut. John J. Fulmer, Twenty-seventh Infantry, from March 3, 1906.
 Second Lieut. Kelton L. Pepper, Twenty-seventh Infantry, from March 5, 1906.
 Second Lieut. Harry S. Malone, Twenty-sixth Infantry, from March 7, 1906.
 Second Lieut. Francis C. Endicott, Fifth Infantry, from March 10, 1906.
 Second Lieut. George C. Mullen, Twenty-first Infantry, from March 20, 1906.

* Second Lieut. Frederick E. Wilson, Twenty-seventh Infantry, from March 23, 1906.

Second Lieut. Henry Hossfeld, Thirtieth Infantry, from March 24, 1906.

Second Lieut. John J. Mudgett, Fifth Infantry, from April 5, 1906.

Second Lieut. Wilford Twyman, Twenty-ninth Infantry, from May 17, 1906.

Second Lieut. William St. J. Jervy, jr., Twenty-seventh Infantry, from May 24, 1906.

Second Lieut. Channing E. Delaplane, Eleventh Infantry, from May 25, 1906.

Second Lieut. Dwight B. Lawton, Thirtieth Infantry, from May 25, 1906.

Second Lieut. Laurance O. Mathews, Twenty-eighth Infantry, from May 31, 1906.

Col. Clarence R. Edwards, United States Army, Chief of the Bureau of Insular Affairs of the War Department, to be Chief of said Bureau, with the rank of brigadier-general, for a period of four years from the date of his appointment, unless sooner relieved.

Under the provisions of an act of Congress approved April 23, 1904, I nominate the officers herein named to be placed on the retired list of the Army, with increased rank from the date on which they shall be retired from active service, respectively.

Col. John Pitman, Ordnance Department, with the rank of brigadier-general.

Capt. Noble H. Creager, quartermaster with the rank of major.

PROMOTIONS IN THE NAVY.

Lieut. Commander John L. Gow to be a commander in the Navy from the 13th day of May, 1906.

Lieut. Commander George R. Clark to be a commander in the Navy from the 26th day of May, 1906.

Lieut. Commander William P. White to be a commander in the Navy from the 6th day of June, 1906 (subject to the examinations required by law).

Lieut. Commander George E. Burd to be a commander in the Navy from the 6th day of June, 1906 (subject to the examinations required by law).

Ensigns James C. Kress and William V. Tomb to be lieutenants (junior grade) in the Navy from the 1st day of July, 1906 (subject to the examinations required by law), upon the completion of three years' service in that grade.

Lieuts. (Junior Grade) James C. Kress and William V. Tomb to be lieutenants in the Navy from the 1st day of July, 1905 (subject to the examinations required by law).

To be lieutenants (junior grade) in the Navy from the 7th day of June, 1906 (subject to the examinations required by law), upon the completion of three years' service in that grade:

Byron A. Long.

Alfred G. Howe.

Raymond S. Keys.

Ernest A. Brooks.

Clarence E. Landram.

Adolphus Andrews.

Frederick L. Oliver.

Thomas R. Kurtz.

Harold E. Cook.

Merlyn G. Cook.

John M. Enochs.

Benyuard B. Wygant.

Manley H. Simons.

Roger Williams.

Ivan E. Bass.

William S. Pye.

Burrell C. Allen.

Charles L. Bruff.

Edward E. Spafford.

Walter N. Vernon.

Lewis S. Cox, jr.

Frank R. McCrary.

Orie W. Fowler.

Percy W. Foote.

John F. Green.

George F. Neal.

Frank McCommon.

Theodore A. Kittinger.

William H. Allen.

Guy Whitlock.

John Downes, jr.

Joseph L. Hileman.

Owen H. Oakley.

John J. Hannigan.

Jesse B. Gay.

Guy W. S. Castle.

Garrard P. Nightingale.

William W. Galbraith.

John V. Babcock.

Rufus F. Zogbaum, jr.

John J. Fitzpatrick.

To be lieutenants in the Navy from the 7th day of June, 1906 (subject to the examinations required by law), to fill vacancies existing in that grade on that date:

Byron A. Long.

Alfred G. Howe.

Raymond S. Keys.

Ernest A. Brooks.

Clarence E. Landram.

Adolphus Andrews.

Frederick L. Oliver.

Thomas R. Kurtz.

Harold E. Cook.

Merlyn G. Cook.

John M. Enochs.

Benyuard B. Wygant.

Manley H. Simons.

Roger Williams.

Ivan E. Bass.

William S. Pye.

Burrell C. Allen.

Charles L. Bruff.

Edward E. Spafford.

Walter N. Vernou.

Lewis S. Cox, jr.

Frank R. McCrary.

Orie W. Fowler.

Percy W. Foote.

John F. Green.

George F. Neal.

Frank McCommon.

Theodore A. Kittinger.

William H. Allen.

Guy Whitlock.

John Downes, jr.

Joseph L. Hileman.

Owen H. Oakley.

John J. Hannigan.

Jesse B. Gay.

Guy W. S. Castle.

Garrard P. Nightingale.

William W. Galbraith.

John V. Babcock.

Rufus F. Zogbaum, jr.

John J. Fitzpatrick.

Ensigns Caspar Goodrich and Wallace Bertholf to be lieutenants (junior grade) in the Navy from the 7th day of June, 1906, upon the completion of three years' service in that grade.

Lieuts. (Junior Grade) Caspar Goodrich and Wallace Bertholf to be lieutenants in the Navy from the 7th day of June, 1906, to fill vacancies existing in that grade on that date.

The following-named midshipmen to be ensigns in the Navy from the 2d day of February, 1906 (subject to the examinations required by law), to fill vacancies existing in that grade on that date:

William P. Sedgwick, jr.

Chandler K. Jones.

John P. Hart.

John J. McCrackin.

Passed Asst. Surg. John M. Moore to be a surgeon in the Navy from the 1st day of January, 1905 (subject to the examinations required by law).

P. A. Surg. Richmond C. Holcomb to be a surgeon in the Navy from the 17th day of December, 1905 (subject to the examinations required by law).

P. A. Surg. Edward G. Parker to be a surgeon in the Navy from the 10th day of May, 1906 (subject to the examinations required by law).

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the dates set opposite their names (subject to the examinations required by law), upon the completion of three years' service in that grade:

James P. De Bruler, from January 3, 1906.

Ransom E. Riggs, from January 19, 1906.

Frederick W. S. Dean, from January 26, 1906.

Benjamin H. Dorsey, from March 2, 1906.

Clarence F. Ely, from March 6, 1906.

James R. Dykes, from April 18, 1906.

Albert J. Geiger, from May 6, 1906.

William W. Verner, from May 25, 1906.

Perceval S. Rossiter, from May 25, 1906.

Wesley H. Rennie, from May 25, 1906.
 Walter S. Hoen, from June 2, 1906.
 Wallace B. Smith, from June 2, 1906.
 Charles C. Grieve, from June 2, 1906.
 John D. Manchester, from June 10, 1906.
 Paul T. Dessez, from June 10, 1906.
 James S. Woodward, from June 10, 1906.
 John A. Randall, from June 26, 1906.
 Charles E. Ryder, from June 26, 1906.
 Allen D. McLean, from June 29, 1906.
 Harry L. Brown, from June 29, 1906.
 Theodore N. Pease, from July 10, 1906.
 Frederick G. Abeken, from July 10, 1906.

Assistant Paymaster Arthur S. Brown to be a passed assistant paymaster in the Navy from the 10th day of February, 1906 (subject to the examinations required by law).

Assistant Paymaster John R. Hornberger to be a passed assistant paymaster in the Navy from the 17th day of February, 1906 (subject to the examinations required by law).

Assistant Paymaster David G. McRitchie to be a passed assistant paymaster in the Navy from the 18th day of March, 1906 (subject to the examinations required by law).

Assistant Civil Engineer Joseph S. Shultz to be a civil engineer in the Navy from the 2d day of February, 1906 (subject to the examinations required by law).

Assistant Civil Engineer Carl A. Carlson to be a civil engineer in the Navy from the 2d day of March, 1906 (subject to the examinations required by law).

Boatswain Aaron B. Ireland to be a chief boatswain in the Navy from the 31st day of August, 1905 (subject to the examinations required by law), upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

The following-named boatswains to be chief boatswains in the Navy from the dates set opposite their names (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904:

Percy Herbert, from January 25, 1906.

Arthur Smith, from March 1, 1906.

John M. A. Shaw, from March 24, 1906.

Gunner Frank A. McGregor to be a chief gunner in the Navy from the 10th day of April, 1905 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Stephen Donely to be a chief gunner in the Navy from the 10th day of March, 1906 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Carpenter Herbert G. Elkins to be a chief carpenter in the Navy from the 10th day of January, 1906 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Commander Sidney A. Staunton to be a captain in the Navy from the 12th day of June, 1906 (subject to the examinations required by law).

Lieut. Commander John H. Shipley to be a commander in the Navy from the 12th day of June, 1906 (subject to the examinations required by law).

Assistant Paymaster Clarence A. Holmes to be a passed assistant paymaster in the Navy from the 14th day of June, 1905 (subject to the examinations required by law).

Assistant Paymaster Philip J. Willett to be a passed assistant paymaster in the Navy from the 4th day of May, 1906 (subject to the examinations required by law).

P. A. Paymaster Ignatius T. Hagner to be a paymaster in the Navy from the 11th day of May, 1906 (subject to the examinations required by law).

Lieut. Col. Harry K. White to be a colonel in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

Maj. Constantine M. Perkins to be a lieutenant-colonel in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

Capt. William N. McKelvy to be a major in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

First Lieut. Richard P. Williams to be a captain in the Marine Corps from the 16th day of June, 1906.

Second Lieut. Robert B. Farquharson to be a first lieutenant in the Marine Corps from the 16th day of June, 1906.

Capt. John H. Russell to be a major in the Marine Corps from

the 16th day of June, 1906 (subject to the examinations required by law).

First Lieut. Lee B. Purcell to be a captain in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

Second Lieut. Charles R. Sanderson to be a first lieutenant in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

APPOINTMENTS IN THE MARINE CORPS.

Sidney S. Lee, a citizen of Virginia, and Joy C. Ross, a citizen of Michigan, to be second lieutenants in the Marine Corps from the 16th day of June, 1906.

POSTMASTERS.

ARIZONA.

J. Knox Corbett to be postmaster at Tucson, in the county of Pima and Territory of Arizona.

CONNECTICUT.

George A. Lemmon to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut.

DELAWARE.

George B. Ruos to be postmaster at Bridgeville, in the county of Sussex and State of Delaware.

W. Scott Walls to be postmaster at Georgetown, in the county of Sussex and State of Delaware.

ILLINOIS.

William T. Bedford to be postmaster at La Salle, in the county of LaSalle and State of Illinois.

George E. Dexter to be postmaster at Tiskilwa, in the county of Bureau and State of Illinois.

Frank E. Eckard to be postmaster at Vandalia, in the county of Fayette and State of Illinois.

William T. Grimmer to be postmaster at Palmyra, in the county of Macoupin and State of Illinois.

Daniel E. Keen to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois.

INDIANA.

Albert H. Coles to be postmaster at Warren, in the county of Huntington and State of Indiana.

John M. Johnson to be postmaster at Logansport, in the county of Cass and State of Indiana.

IOWA.

Arthur S. Hazelton to be postmaster at Council Bluffs, in the county of Pottawattamie and State of Iowa.

Elmer E. Schrack to be postmaster at Parkersburg, in the county of Butler and State of Iowa.

KANSAS.

Robert M. Armstrong to be postmaster at Council Grove, in the county of Morris and State of Kansas.

T. A. Dilley to be postmaster at Sterling, in the county of Rice and State of Kansas.

Thomas E. Dittmore to be postmaster at Eureka, in the county of Greenwood and State of Kansas.

William H. Ellet to be postmaster at Eldorado, in the county of Butler and State of Kansas.

Robert M. Hamer to be postmaster at Emporia, in the county of Lyon and State of Kansas.

Thomas E. Hurley to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas.

W. H. Jones to be postmaster at Lyons, in the county of Rice and State of Kansas.

Marshall M. Murdock to be postmaster at Wichita, in the county of Sedgwick and State of Kansas.

James D. Smith to be postmaster at West Mineral, in the county of Cherokee and State of Kansas.

Charles B. Spencer to be postmaster at Iola, in the county of Allen and State of Kansas.

MASSACHUSETTS.

Charles A. Wilbar to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts.

Isaac B. Davis to be postmaster at Westfield, in the county of Hampden and State of Massachusetts.

MICHIGAN.

William M. Beekman to be postmaster at Charlotte, in the county of Eaton and State of Michigan.

Fred N. Potter to be postmaster at Alpena, in the county of Alpena and State of Michigan.

MISSOURI.

Delia Crowder to be postmaster at Lexington, in the county of Lafayette and State of Missouri.

NEBRASKA.

W. P. Hall to be postmaster at Holdrege, in the county of Phelps and State of Nebraska.

Romaine A. St. John to be postmaster at Gibbon, in the county of Buffalo and State of Nebraska.

OKLAHOMA.

W. H. Cleveland to be postmaster at Mountain View, in the county of Kiowa and Territory of Oklahoma.

Jabez A. Felt to be postmaster at Hennessy, in the county of Kingfisher and Territory of Oklahoma.

Elliott F. Hook to be postmaster at Walter, in the county of Comanche and Territory of Oklahoma.

Wallace R. Kelley to be postmaster at Kingfisher, in the county of Kingfisher and Territory of Oklahoma.

Milburn M. McCoy to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma.

Charles G. Wattson to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma.

PENNSYLVANIA.

William W. Henderson to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania.

Frank E. Hollar to be postmaster at Shippensburg, in the county of Cumberland and State of Pennsylvania.

Lynn G. Thomas to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

George E. Washburn to be postmaster at Wyncote, in the county of Montgomery and State of Pennsylvania.

SOUTH DAKOTA.

John F. Reid to be postmaster at Elk Point, in the county of Union and State of South Dakota.

TENNESSEE.

Roy P. Smith to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee.

George T. Taylor to be postmaster at Union City, in the county of Obion and State of Tennessee.

TEXAS.

Robert T. Bartley to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Jeff D. Burns to be postmaster at Tyler, in the county of Smith and State of Texas.

Robert E. Hannay to be postmaster at Hempstead, in the county of Waller and State of Texas.

Samuel E. Morris to be postmaster at Carthage, in the county of Panola and State of Texas.

Hal Singleton to be postmaster at Jefferson, in the county of Marion and State of Texas.

Henry O. Wilson to be postmaster at Marshall, in the county of Harrison and State of Texas.

VIRGINIA.

McClung Patton to be postmaster at Lexington, in the county of Rockbridge and State of Virginia.

WASHINGTON.

Noah O. Baldwin to be postmaster at Pomeroy, in the county of Garfield and State of Washington.

WEST VIRGINIA.

William B. Hensel to be postmaster at Gary, in the county of McDowell and State of West Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 28, 1906.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

IMMUNITY OF WITNESSES.

Mr. JENKINS. Mr. Speaker, I call up the conference report on the bill (S. 5769) defining the right of immunity of witnesses, etc., and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Wisconsin calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, and an act entitled "An act

to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendment.

JOHN J. JENKINS,

DAVID A. DE ARMOND,

Managers on the part of the House.

C. D. CLARK,

KNUTE NELSON,

C. A. CULBERSON,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The House amended S. 5769 by striking out all after the enacting clause and inserting in lieu thereof the following amendment.

"A bill (S. 5769) to declare the true intent and meaning of parts of the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, and an act entitled 'An act to establish the Department of Commerce and Labor,' approved February 14, 1903, and an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and an act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903.

"Be it enacted, etc., That under the immunity provisions in the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, in section 6 of the act entitled 'An act to establish the Department of Commerce and Labor,' approved February 14, 1903, and in the act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and in the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903, immunity shall be extended only to a natural person who, as a witness on the part of the Government in any proceeding authorized by any of said statutes, testifies on oath or in obedience to a subpoena produces relevant evidence;" and that the House recede from its amendment.

JOHN J. JENKINS,

DAVID A. DE ARMOND,

Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. Jenkins, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION CASE, JACKSON AGAINST SMITH.

Mr. MILLER. Mr. Speaker, I offer the following privileged report from the Committee on Elections No. 2.

The Clerk read as follows:

Whereas the contested election case of William H. Jackson v. Thomas A. Smith, from the First Congressional district of Maryland, was referred to Committee on Elections No. 2, and the said committee, after careful consideration of the record therein, finds that the evidence already taken is not sufficient upon which to base a conclusion as to the proper determination of said contest: Now, therefore, be it

Resolved by the House of Representatives, That the Committee on Elections No. 2 shall be, and is hereby, authorized and empowered to take such testimony as it shall deem necessary to the determination of the questions of fact in the contested case of Jackson v. Smith, from the First Congressional district of Maryland, and shall have power to send for all such persons and papers as it may find necessary for the proper determination of said controversy, and determine the time, place, and manner of taking said testimony, which may be taken before the said committee, or any subcommittee, or any person selected by said committee for such purpose, and that the expenses incurred in taking said testimony shall be paid from the contingent fund of the House upon the order of said Committee on Elections No. 2.

The resolution was agreed to.

KILLING OF WILD BIRDS AND WILD ANIMALS IN THE DISTRICT OF COLUMBIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call up the conference report on the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13193) entitled "An act to prohibit the killing of wild birds and wild animals in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

P. P. CAMPBELL,
E. L. TAYLOR,
T. W. SIMS,

Managers on the part of the House.

JO. C. S. BLACKBURN,
J. H. GALLINGER,
THOMAS S. MARTIN,

Managers on the part of the Senate.

STATEMENT.

The House recedes from its disagreement to the amendment of the Senate. This amendment provides that game birds may be hunted on the marshes of the Anacostia River north of the Anacostia Bridge, and on the marshes of the Virginia shore of the Potomac River east of the Aqueduct Bridge, but prohibits the hunting of such birds within 200 yards of any bridge or dwelling.

P. P. CAMPBELL,
E. L. TAYLOR,
T. W. SIMS,

Managers on the part of the House.

The conference report was agreed to.

SECTION 2871, REVISED STATUTES.

Mr. PAYNE. Mr. Speaker, I call up the conference report on the bill (H. R. 7099) to amend section 2871 of the Revised Statutes.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

SERENO E. PAYNE,
JOHN DALZELL,

Managers on the part of the House.

J. H. GALLINGER,
GEO. C. PERKINS,

Managers on the part of the Senate.

STATEMENT.

The conference report recommends that the House recede from its disagreement to the amendments of the Senate and agree to the same.

The bill provides for the unloading of vessels in the nighttime carrying imported goods under certain provisions contained in the bill. The amendments of the Senate extend this privilege and these provisions to other vehicles than vessels, with the intention of including the unloading of imported merchandise from freight cars. These amendments render it necessary also to provide for the lading as well as the unloading of vessels or other vehicles in the nighttime. The extension of the privilege to those importing goods in cars carries with it the necessity of the provision for the "lading" as well as the "unloading" in the nighttime.

SERENO E. PAYNE,
JOHN DALZELL,

Managers on the part of the House.

The conference report was agreed to.

MARGARET S. MILLER.

The SPEAKER laid before the House the bill (H. R. 19659) granting an increase of pension to Margaret S. Miller, with a Senate amendment.

The Senate amendment was read.

Mr. KEIFER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JAMES M. ROBINSON AND SALLIE D. M'COMB.

Mr. OTJEN. Mr. Speaker, I call up the conference report on the bill (H. R. 10610) for the relief of James M. Robinson and Sallie D. McComb.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same with amendments as follows: Strike out in each amendment the words "two thousand five hundred" and insert the words "three thousand two hundred and fifty;" and agree to the same.

The effect of both of these amendments is to make the allowance under the bill \$3,250 instead of \$5,000, as the bill originally passed the House, and instead of \$2,500, as the bill passed the Senate.

THEO. OTJEN,
G. N. HAUGEN,
T. W. SIMS,

Managers on the part of the House.

C. W. FULTON,
J. A. HEMENWAY,
THOMAS S. MARTIN,

Managers on the part of the Senate.

The conference report was agreed to.

INDEX TO REPORTS OF FIVE CIVILIZED TRIBES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution 21.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 1,000 copies of the topical index to the twelve annual reports of the Commission to the Five Civilized Tribes to the Secretary of the Interior, 200 copies for the use of the Senate, 400 copies for the use of the House of Representatives, and 400 copies for the use of the Department of the Interior.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered and agreed to.

ANNUAL REPORT OF THE TREASURER OF THE UNITED STATES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution 15.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound for the use of the Treasury Department 500 additional copies of the annual report of the Treasurer of the United States for the fiscal year ending June 30, 1905.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

DIGEST OF CUSTOMS LAWS AND DECISIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc. That the Secretary of the Treasury be, and he is hereby, authorized to purchase from the legal owners thereof, at a cost not to exceed \$2,000, payable out of any funds not otherwise appropriated, the manuscript of a digest of the United States customs laws and decisions, compiled by Robert M. Cousar, deceased, and to have printed, with such revision as in his judgment may be necessary, not to exceed 1,000 copies for the official use of the Treasury Department. And the sum of \$2,000, or so much thereof as may be necessary, is hereby appropriated for said purpose. And the Superintendent of Documents is hereby authorized to reprint this document for sale at \$2 per copy.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object.

Mr. LIVINGSTON. I would like to have some explanation of it.

Mr. PAYNE. What document is it?

Mr. CHARLES B. LANDIS. I would say that the purchase of this manuscript and the publication of this digest has been urged upon the committee by the Secretary of the Treasury and by the Board of General Appraisers. The reason for it is that

there is no such publication covering the same period, and they state that it is essential to the transaction of business.

Mr. PAYNE. What is the subject of the digest?

Mr. CHARLES B. LANDIS. It is a digest of the customs laws and decisions, and of the decisions of the Board of Appraisers, and, of course, affecting the general scope of importations.

Mr. PAYNE. Is there anything in it that is not already published by the Government?

Mr. CHARLES B. LANDIS. There is no digest printed covering this period.

Mr. PAYNE. Mr. Speaker, I think I will object temporarily in order to let the thing go over until I can inquire into it.

Mr. CHARLES B. LANDIS. Very well.

BEET-SUGAR INDUSTRY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of a substitute joint resolution in lieu of House concurrent resolution No. 37.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] offers a substitute joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That there be printed 12,000 copies of the report on the progress of the beet-sugar industry in the United States in 1905; 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 8,000 copies for the use of the Department of Agriculture, and that the Secretary of Agriculture be authorized to print and distribute annually hereafter 8,000 copies of such annual reports covering the progress of the beet-sugar industry: *Provided*, That the preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, if the gentleman will limit his resolution to the publication of the current volume, very well; but this is a permanent enactment.

Mr. CHARLES B. LANDIS. I will say that Congress has been printing each year from 20,000 to 60,000 additional copies. There is a demand for this publication, and the committee thought in the interest of economy and to save the time of the House it would place in the hands of the Secretary discretionary authority to increase the publication to 8,000 copies. Only 1,000 copies are now authorized by law.

Mr. MANN. Does the gentleman think that the demand for them will continue forever?

Mr. CHARLES B. LANDIS. I do not think so, and for that reason we did not make it mandatory, but we leave it to the discretion of the Secretary of Agriculture.

Mr. MANN. It does not seem to me that there is any occasion for making a law that relieves it. The Committee on Printing can bring in a resolution easily enough covering it when it is necessary.

Mr. CHARLES B. LANDIS. The committee was under the impression that this was a wise enactment. If the gentleman sees fit to object, however, that is his privilege.

Mr. MANN. I object to it in its present form.

The SPEAKER. Is there objection?

Mr. MANN. I object.

JOHN PAUL JONES COMMEMORATIVE EXERCISES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following substitute in lieu of House concurrent resolution No. 30.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following concurrent House resolution, and without objection the substitute only will be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 11,000 copies of the addresses delivered at the exercises commemorative of John Paul Jones, at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, to be compiled and published under the direction of the joint committee, 7,000 for the use of the House of Representatives, 3,000 for the use of the Senate, and 1,000 for distribution by the Secretary of the Navy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Without objection, the substitute will be considered as agreed to.

The substitute was agreed to.

Mr. CRUMPACKER. Mr. Speaker, a suggestion I would like to make to the gentleman. It provides that the publication shall be made under the supervision of the "joint committee." It occurred to me that it ought to be the Committee on Printing.

Mr. CHARLES B. LANDIS. The Joint Committee on Printing.

The SPEAKER. Without objection, the amendment will be made.

Mr. CRUMPACKER. The words "on Printing" were omitted, I suppose, inadvertently.

The amendment was agreed to; and the substitute as amended was agreed to.

FOURTH ANNUAL REPORT OF RECLAMATION SERVICE.

Mr. CHARLES B. LANDIS. I ask unanimous consent for the present consideration of the following substitute amendment for Senate joint resolution 17.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That the Director of the Geological Survey be, and he is hereby, authorized to print 4,000 copies of the Fourth Annual Report of the United States Reclamation Service, the cost thereof to be paid out of the reclamation fund."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I want to ask whether that report has heretofore been printed, and whether this is for extra copies, in other words?

Mr. CHARLES B. LANDIS. I would say to the gentleman that these are extra copies. Up to this time simply the "usual number" has been printed, which has practically left none of these reports for general distribution.

Mr. GAINES of Tennessee. How many have already been printed?

Mr. CHARLES B. LANDIS. The "usual number"—about 1,800.

Mr. GAINES of Tennessee. Why do you need extra copies when the "usual number" has been printed?

Mr. CHARLES B. LANDIS. The "usual number" leaves to the Senate and House document rooms practically one copy for each Member, about 1,000 copies going to libraries and files; and the Director of the Geological Survey states that the demand on the Survey has been so great that in order to have anything near to a supply he will have to have additional copies. We have reduced the number provided in the Senate resolution from 9,000 to 4,000.

Mr. GAINES of Tennessee. Who does that demand come from—the people who have lands to reclaim or those who have not?

Mr. CHARLES B. LANDIS. The people who are interested in the Reclamation Service.

Mr. GAINES of Tennessee. Where do these people live?

Mr. CHARLES B. LANDIS. A great many of them live in the regions that are affected and the territory that has already been reclaimed.

Mr. GAINES of Tennessee. Where is that territory?

Mr. CHARLES B. LANDIS. In the boundless West.

Mr. GAINES of Tennessee. Well, now, you say there is just about one copy for each member. I understand that members without any land in their district that is to be reclaimed do not need and do not want these reclamation documents. I know I do not. I will say to the gentleman that what I am trying to do is to stop this wasteful printing.

Mr. CHARLES B. LANDIS. The gentleman is not more interested in that proposition than I. I will say that this resolution provides that this entire edition shall be placed with the Director of the Geological Survey. None will be placed to the credit of Members of Congress, and if we have any demand we will simply refer them to the Director of the Geological Survey.

Mr. GAINES of Tennessee. So that the Director of the Geological Survey can send them really where they can be used, and not pile them on Members of Congress who can not use them?

Mr. CHARLES B. LANDIS. That is the situation exactly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the substitute was agreed to.

Mr. TAWNEY. I would like to ask the gentleman from Indiana why it is necessary to give this authority and expend this amount? I understand this is to carry an additional amount to that which is now allowed for printing the annual report of the Director of the Geological Survey?

Mr. CHARLES B. LANDIS. This is an authorization to print. He does not have to have it unless it is needed.

Mr. TAWNEY. He has authority now to print how many?

Mr. CHARLES B. LANDIS. The "usual number."

Mr. TAWNEY. How many is that?

Mr. CHARLES B. LANDIS. The "usual number" is 1,800, and the Director states that it is entirely inadequate. This is simply an authorization to make this publication, and if he makes it the cost, which will be about \$2,500, will be charged against the reclamation fund arising from the sale of lands reclaimed.

The question was taken; and the joint resolution as amended was read the third time, and passed.

MARY WHISLER.

The SPEAKER laid before the House the bill (H. R. 14930) granting a pension to Mary Whisler, with a Senate amendment, which was read.

Mr. KEIFER. I move to concur in the Senate amendment. The motion was agreed to.

The SPEAKER laid before the House a bill (H. R. 717) granting an increase of pension to Oscar B. Morrison, with a Senate amendment thereto.

The Senate amendment was read.

Mr. KEIFER. I move that the House concur in the Senate amendment.

The motion was agreed to.

TAYLOR WARE.

The SPEAKER also laid before the House the bill (H. R. 13836) for the relief of Taylor Ware, with a Senate amendment thereto.

The Senate amendment was read.

Mr. YOUNG. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

SUNDY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the bill (H. R. 19844) the sundry civil appropriation bill, and I ask unanimous consent that the reading of the report be dispensed with, and that the statement be read in lieu thereof.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the sundry civil appropriation bill, and asks unanimous consent that the reading of the report be dispensed with and the statement be read in lieu of the report.

Mr. UNDERWOOD. Reserving the right to object, I should like to ask the gentleman from Minnesota a question. Is Senate amendment 78 included in this final conference report?

Mr. TAWNEY. What is the amendment?

Mr. UNDERWOOD. No. 78, in reference to fuel supplies.

Mr. TAWNEY. It is included.

Mr. UNDERWOOD. When the matter comes up for consideration I wish the gentleman would yield to me ten minutes. I should like to be heard on that proposition.

Mr. TAWNEY. I will yield to the gentleman ten minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 14, 22, 49, 51, 53, 54, 55, 59, 62, 64, 70, 71, 79, 83, 85, 87, 88, 89, 90, 110, 120, 121, 123, 124, 132, 133, 134, 137, 147, and 148.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 52, 58, 61, 65, 67, 68, 72, 73, 74, 76, 77, 84, 86, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 108, 109, 111, 112, 113, 114, 115, 122, 125, 126, 127, 129, 130, 135, 136, 138, 139, 140, 141, 144, and 145; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two civilian instructors;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In line 4 of said amendment, after the word "necessary," insert "not exceeding five thousand dollars."

Omit all after the word "Molokai" in line 6 of said amendment and insert in lieu thereof the following: "and a landing stage on the landing site at Waikolu, including the necessary appliances for landing supplies."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the

matter inserted by said amendment insert the following: "Stonington breakwater, Connecticut: For erection of a suitable double dwelling for the keepers of the light station at Stonington breakwater, Connecticut, six thousand dollars;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Point Arena light station, California: For rebuilding of light station and keeper's dwelling, seventy-two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "June," insert the word "twentieth;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Nantucket Shoals, Massachusetts: Toward the construction of a light vessel to be placed off Nantucket Shoals, Massachusetts, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Ambrose Channel, New York Bay: Toward the construction of a light vessel for the sea entrance to the channel, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For a light-house on Staten Island, New York, and raising West Bank light: Toward establishing a light-house on Staten Island, New York, and raising West Bank light, fifty thousand dollars; and the total cost of said light-house, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Harbor of refuge, Milwaukee, Wis.: Toward the construction of a light and fog-signal station on the south end of the breakwater, harbor of refuge, Milwaukee, Wis., fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Rock of Ages, Lake Superior: Toward the construction of a light and fog-signal station on Rock of Ages, Lake Superior, fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Twelfth light-house district: Toward the construction of a steam tender for the use of the light-house engineer of the twelfth light-house district, fifty thousand dollars; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifty thousand dollars."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Columbia River, Oregon: Toward the construction of a light vessel for use off the mouth of the Columbia River, Oregon, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and thirty thousand dollars;

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hinchinbrook entrance, Prince William Sound, Alaska: Toward the construction of a light and fog-signal station at Hinchinbrook entrance, Prince William Sound, Alaska, twenty-five thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred and twenty-five thousand dollars;"

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and seventy thousand dollars;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For any special surveys that may be required by the Light-House Board or other proper authority, including the expenditures authorized under public act numbered one hundred and eighty-one, approved May twenty-sixth, nineteen hundred and six, and contingent expenses incident thereto, five thousand dollars, together with the unexpended balance under this appropriation for nineteen hundred and six and prior years, which is hereby reappropriated and made available on this account for the fiscal year nineteen hundred and seven;"

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty-seven thousand nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three thousand nine hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following:

"Provided, That no expense shall be incurred hereunder additional to appropriations for the Census Office for printing therefor made for the fiscal year 1907; and the Director of the Census is hereby directed to report to Congress at its next session the cost incurred hereunder and the price fixed for said publication and the total received therefor."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and sixty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "one hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 3, 4, and 5, the words "or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million four hundred and sixty-three thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment, and on page 78 of the bill, in line 13, after the word "acting," insert the words "after June thirtieth, nineteen hundred and six;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "Interior," and in lieu thereof insert the words "Smithsonian Institution;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nineteen thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen dollars;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "northwest;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and sixty-three thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million two hundred and twelve thousand nine hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That no part of this appropriation shall be available after March fourth, nineteen hundred and seven, except on condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors after said date;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In line 13 of said amendment, after the word "capacity," insert the word "whether;" and in line 14, after the word "States," insert "or otherwise;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Add at the end of said amendment "all money expended hereunder shall be taxed by the court as a part of the cost in said judicial proceedings;" and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million dollars; no part of said sum shall be so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per centum interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States and by him accepted."

And on page 164 of the bill, in line 13, strike out the words "five hundred and seventy-five" and insert in lieu thereof the words "four hundred and fifteen."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Sec. 7. From and after July first, nineteen hundred and six, all of the expenses of the supreme court of the District of Columbia mentioned below, to wit, fees of witnesses, fees of jurors, pay of bailiffs and criers, including salaries of deputy marshals who act as bailiffs or criers, and all miscellaneous expenses of said court, shall be paid one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided*, That estimates for like expenditures for the fiscal year nineteen hundred and eight and annually thereafter shall be submitted to the Commissioners of the District of Columbia for transmission to Congress with the annual estimates for the District of Columbia."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"JAMESTOWN EXPOSITION.

"Sec. 10. That there shall be exhibited at the Jamestown Exposition by the Government of the United States, from the Smithsonian Institution, the National Museum, and the Library of Congress, such articles and materials of an historical nature as will serve to impart a knowledge of our colonial and national history; and such Government exhibit shall also include an exhibit from the War and Navy Departments, the Life-Saving Service, the Revenue-Cutter Service, the Army, the Navy, the Light-House Service, the Bureau of Fisheries, and an exhibit from the island of Porto Rico. And the Bureau of American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American Republics, and space in any of the United States Government exhibit buildings shall be provided for that purpose. The Jamestown Tercentennial Commission, created by an act of Congress approved March third, nineteen hundred and five, shall, in addition to the authority and duties conferred and imposed by said act, be authorized and empowered, and it shall be their duty, to select, prepare, transport, and arrange for the exhibition and return of the Government exhibits herein authorized. In addition to the articles and materials which the said Jamestown Tercentennial Commission may select for exhibition as aforesaid, the President of the United States may, in his discretion, designate other and additional articles and materials.

"The officers and employees of the Government who may be appointed by the Jamestown Tercentennial Commission to carry out the provisions of this section, and any officers and employees of the Government who may be detailed to assist them, including the officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence not to exceed four dollars. The officers of the Army and Navy shall receive said allowance in lieu of subsistence and mileage now allowed by law, and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired army and navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed to duty in connection with said Jamestown Tercentennial Exposition. An to carry out in full all of the provisions of this section not herein otherwise specifically appropriated for the sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated

out of any moneys in the Treasury not otherwise appropriated, the same to be expended in accordance with law and under such rules and regulations as the said Jamestown Tercentennial Commission may prescribe.

"That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of the said Jamestown Tercentennial Exposition for said Government exhibit, including a suitable building for the exhibit of the United States Life-Saving Service; a fisheries building, including an aquarium; also a building for use as a place of rendezvous for the soldiers and sailors of the United States Navy and Army and of the foreign navies and armies participating in said celebration; also a building for use as a place of rendezvous for the commissioned naval and Army officers participating in said celebration; also the preparation of the grounds for, the approaches thereto, and the lighting of all of said buildings. Said buildings shall be erected, as far as practicable, on the colonial style of architecture from plans prepared by the Supervising Architect of the Treasury to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States: *Provided*, That the aggregate cost of all of said buildings, including the preparation of grounds, approaches, and lighting, shall in no event exceed the sum of three hundred and fifty thousand dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. At the close of the exposition the Secretary of the Treasury is authorized and directed to dispose of said buildings, or the materials composing the same, and of the piers which are provided for in this act, or the materials thereof, giving preference to the Jamestown Exposition Company to the extent that it shall have the option to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

"That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed, from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War, two piers extending from the exposition grounds into the waters of Hampton Roads, the ends of said piers to be surmounted with towers for the exhibit, if practicable, of the Light-House Service and wireless telegraph service. Said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into a basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than ten feet of water at mean low tide. And the Secretary of War is directed to contract for the construction of said piers and basin in the same manner and under the same regulations as for public structures of the United States, but the contract price shall not exceed the sum of four hundred thousand dollars, or as much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before the appropriation made by this section shall become available the Jamestown Exposition Company shall file with the Secretary of the Treasury an agreement that it will, at its own expense, operate and manage said piers and basin during the period of the exposition, and that it will, at its own expense, illuminate the same: *Provided further*, That all small craft attached to any naval vessel of this or any foreign country, whose fleet is in the waters of Hampton Roads to participate in the celebration, shall have access to and use of said basin and piers for the purpose of communication with the exposition grounds without any charge therefor and under such rules and regulations as the Secretary of the Navy shall prescribe: *Provided further*, That the same right of access and use of said basin and piers during the exposition shall be, and is hereby, reserved to the United States, but nothing herein contained shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto or to reimburse any individual or corporation for any damage sustained in consequence of the use of said piers and basin.

"That in aid of the said Jamestown Tercentennial Exposition the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be paid to the Jamestown Exposition Company upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has expended the sum of five hundred thousand dollars on account of said exposition. Said two hundred and fifty thousand dollars shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes

of the exposition other than salaries: *Provided*, That as a condition precedent to the payment of this appropriation in aid of said exposition, the Jamestown Exposition Company shall agree to close the grounds of said exposition to visitors on Sunday during the period of said exposition.

"That for the erection of a permanent landing pier at Jamestown Island on the frontage owned by the Association for the Preservation of Virginia Antiquities, the precise location to be agreed upon by the Secretary of War and said association and to be donated by said association to the United States, the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to contract for the construction of said pier in the same manner and under the same requirements as for other public structures of the United States: *Provided, however*, That if any pier now constructed and suitable for landing persons and material for the erection of the monument on said Jamestown Island heretofore authorized can be leased or purchased within the appropriation of fifteen thousand dollars hereby made, the Secretary of War is hereby authorized to expend the sum hereby appropriated for the leasing or purchase of said pier and of a sufficient and proper amount of land adjacent thereto to give free access to the grounds owned by such Association for the Preservation of Virginia Antiquities and the monument to be erected thereon under the provisions of an act approved March third, nineteen hundred and five.

"For the policing during the exposition period of the grounds owned by the Association for the Preservation of Virginia Antiquities, upon Jamestown Island, and for erecting thereon suitable retiring rooms and rest stations for the visiting public, and for providing drinking water at suitable places thereon, and for such benches and other accommodations as visitors to such island will need, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The moneys appropriated by this paragraph shall be expended by and under the direction of the Tercentennial Commission, and shall not be expended until such provisions are made with such association as will insure the free access to every part of the grounds of said association of all visitors who may come during the period of the said exposition, and will insure free access always to that part of the grounds upon which said monument is located.

"That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibition at the said exposition.

"That medals with appropriate devices, emblems, and inscriptions commemorative of said Jamestown Tercentennial Exposition and of the awards to be made to the exhibitors thereat and to successful contestants in aquatic and other contests shall be prepared for the Jamestown Exposition Company by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of eighteen hundred and ninety-three, upon the payment by the Jamestown Exposition Company of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder of a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze upon the payment by him for the same of a sum equal to the cost thereof.

"That in aid of the Negro Development and Exposition Com-

pany of the United States of America, to enable it to make an exhibit of the progress of the negro race in this country at the said exposition, the sum of one hundred thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated. This sum shall be expended by the Jamestown Tercentennial Commission under rules and regulations prescribed by it and for such objects as shall be approved by both the said Negro Development and Exposition Company of the United States of America and the said Commission: *Provided, however*, That a reasonable proportion of said appropriation shall be expended for a building within which to make such exhibit.

"That except to the extent and in the manner by this act provided and authorized the United States Government shall not be liable on any account whatever in connection with the said exposition, and nothing in this act shall be construed so as to create any liability upon the part of the United States Government, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of or in liquidation of any debts or obligations created by said Tercentennial Commission, or any other board, commission, or any person or persons whomsoever, acting or claiming to act by authority of this act in excess of the appropriations provided for by this act.

"The United States shall in no event be liable, directly or indirectly, upon any ground or for any cause whatsoever in connection with or on account of its participation in said Jamestown Tercentennial Exposition beyond the sums expressly appropriated by the act of March third, nineteen hundred and five, and by this act.

"That all moneys appropriated by this act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the President of the United States for transmission to Congress."

And the Senate agree to the same.

On amendments numbered 5 and 47 the committee of conference have been unable to agree.

JAMES A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,

Managers on the part of the House

EUGENE HALE,
GEO. C. PERKINS,
JAMES H. BERRY,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for the sundry civil expenses of the Government for the fiscal year 1907, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the amendments, namely:

On amendment No. 1: Appropriates \$10,000 as proposed by the Senate for rent of building in Cedar Rapids, Iowa.

On amendment No. 2: Appropriates \$15,000 as proposed by the Senate for public building at Cheyenne, Wyo.

On amendment No. 3: Appropriates \$420,000 as proposed by the House, instead of \$440,000 as proposed by the Senate, for repairs to public buildings.

On amendment No. 4: Appropriates \$365,000 as proposed by the House, instead of \$390,000 as proposed by the Senate, for heating apparatus for public buildings.

On amendment No. 6: Provides for two civilian instructors for the Revenue-Cutter Service as proposed by the Senate.

On amendment No. 7: Authorizes contract to be made for a steam vessel for destroying derelicts, to cost not exceeding \$250,000.

On amendment No. 8: Appropriates \$5,000 as proposed by the Senate for the International Catalogue of Scientific Literature.

On amendments Nos. 9, 10, and 11, and 12: Makes verbal correction in the text of the bill and provides for an additional counter, at \$900, in connection with expenses for distinctive paper for United States securities.

On amendment No. 13: Appropriates \$5,000 for salary and ex-

penses for general inspector of supplies for public buildings, as proposed by the Senate.

On amendment No. 14: Appropriates \$1,200,000 as proposed by the House, instead of \$1,240,000 as proposed by the Senate, for fuel, lights, and water for public buildings.

On amendments Nos. 15 and 16: Increases the amount for pay and allowances of commissioned medical officers and pharmacists of the Public Health and Marine-Hospital Service \$25,000; and reduces the amount for pay of other employees in said service \$25,000 as proposed by the Senate.

On amendment No. 17: Authorizes the use of \$5,000 of the appropriation for the leprosy hospital in Hawaii for constructing a road and landing stage.

On amendments Nos. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 48, relating to light-houses, beacons, and fog signals: Provides for construction of light-houses, light vessels, and steam light-house tender, as proposed by the Senate, as follows: Stonington breakwater, Connecticut; Cape Mendocino, California; Point Arena, California; Bonita Point, California; Point Pinos, California; Nantucket Shoals, Massachusetts; Ambrose channel, New York; Staten Island, New York; harbor of refuge, Delaware Bay; Pungoteague Creek, Virginia; Brunswick, Ga.; Southwest Pass, Louisiana; harbor of refuge, Milwaukee, Wis.; Niagara River, New York; Isle aux Peches, Michigan; Rock of Ages, Lake Superior; Makapuu Point, Hawaii; Humboldt Bay, California; Twelfth light-house district tender; Columbia River, Oregon, and Hinchinbrook entrance, Prince William Sound, Alaska; and strikes out the appropriation proposed by the Senate of \$17,640 for Southampton Shoal light station, California.

On amendment No. 49: Appropriates \$525,000, as proposed by the House, instead of \$565,000, as proposed by the Senate, for supplies of light-houses.

On amendment No. 50: Appropriates \$770,000, instead of \$740,000, as proposed by the House, and \$800,000, as proposed by the Senate, for repairs of light-houses.

On amendment No. 51: Appropriates \$600,000, as proposed by the House, instead of \$625,000, as proposed by the Senate, for expenses of light vessels.

On amendment No. 52: Appropriates \$600,000, as proposed by the Senate, instead of \$550,000, as proposed by the House, for expenses of buoyage.

On amendment No. 53: Appropriates \$210,000, as proposed by the House, instead of \$225,000, as proposed by the Senate, for expenses of fog signals.

On amendments Nos. 54 and 55: Appropriates \$70,000, as proposed by the House, instead of \$85,000, as proposed by the Senate, for surveys and resurveys of the Atlantic and Gulf coasts.

On amendments Nos. 56 and 57: Appropriates \$5,000, together with unexpended balances, instead of \$12,000, as proposed by the Senate, for special surveys by the Coast and Geodetic Survey.

On amendments Nos. 58, 59, 60, 61, 62, and 63: Increases the salary of an accountant from \$1,800 to \$2,100 and strikes out provision for a property clerk at \$1,600 in the Bureau of Fisheries; appropriates \$1,600 for an assistant architect and omits \$900 for a draftsman, proposed by the Senate, for said Bureau.

On amendment No. 64: Appropriates \$250,000, as proposed by the House, instead of \$260,000, as proposed by the Senate, for propagation of food fishes.

On amendment No. 65: Appropriates \$55,000, as proposed by the Senate, instead of \$52,000, as proposed by the House, for maintenance of vessels of the Bureau of Fisheries.

On amendment No. 66: Inserts the provision proposed by the Senate authorizing the Census Office to publish the names of the heads of families returned at the First Census of the United States.

On amendments Nos. 67 and 68: Appropriates, as proposed by the Senate, \$3,000 for equipment of the Senate post-office and \$950,000 to continue the construction of the Senate office building.

On amendment No. 69: Appropriates \$565,000, instead of \$573,000 as proposed by the Senate and \$500,000 as proposed by the House, for registers and receivers of land offices.

On amendment No. 70: Appropriates, as proposed by the Senate, \$14,565 for reproducing plats of surveys in California.

On amendments Nos. 71 and 72: Strikes out the provision proposed by the Senate authorizing details to the Land Office for office examination of surveying returns and inserts the provision proposed by the Senate for surveys in Valley County, Mont.

On amendments Nos. 73, 74, 75, 76, 77, 78, 79, and 80, relating to the Geological Survey: Appropriates \$75,000, as proposed by

the Senate, instead of \$50,000, as proposed by the House, for report of the mineral resources; appropriates \$150,000, instead of \$200,000, as proposed by the House, for gauging streams and determining the water supply; strikes out of the provision attached to the appropriation for testing coals and lignites the words "or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States," and appropriates \$100,000, as proposed by the House, instead of \$125,000, as proposed by the Senate, for survey of forest reserves.

On amendment No. 81: Provides that the additional allowance of the disbursing officer of the Geological Survey for disbursing reclamation funds shall begin after June 30, 1906.

On amendment No. 82: Appropriates \$3,000 for protecting the ruin of Casa Grande, in Arizona.

On amendment No. 83: Strikes out the appropriation of \$2,500 for Sully's Hill Park, North Dakota.

On amendment No. 84: Includes Aleuts among the other natives of Alaska for education and support under the appropriation of \$100,000 made in the bill.

On amendment No. 85: Strikes out the appropriation of \$3,705 proposed by the Senate for transportation of pupils from the Carlisle Indian school to their homes in Alaska.

On amendment No. 86: Continues available during 1907 a former appropriation made for removal of Lemhi Indians to Fort Hall Reservation, in Idaho.

On amendments Nos. 87 and 88: Appropriates \$9,000, as proposed by the House, instead of \$15,000, as proposed by the Senate, for reindeer in Alaska; and strikes out the provision proposed by the Senate for placing a herd of reindeer on the island of Unalaska.

On amendment No. 89: Strikes out the provision proposed by the Senate with reference to horses and vehicles for use of the superintendent of the Government Hospital for the Insane.

On amendment No. 90: Strikes out the provision proposed by the Senate with reference to disbursements for the Government Hospital for the Insane.

On amendment No. 91: Appropriates \$5,000, as proposed by the Senate, instead of \$4,000, as proposed by the House, for repairs of buildings for the Columbia Institution for the Deaf and Dumb.

On amendments Nos. 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, and 104, with reference to lighting the Executive Mansion and public parks: The price per annum for gas lamps using flat-flame burners is fixed at \$18, instead of \$20 as proposed by the Senate and \$15 as proposed by the House, and for lamps with incandescent burners at \$25 per annum, as proposed by the Senate, instead of \$20, as proposed by the House; and fixes the rate for electric arc lights per annum at \$85, as proposed by the Senate, instead of \$80, as proposed by the House.

On amendment No. 105: Appropriates \$40,000, as proposed by the Senate, for the erection of a memorial to Gen. Ulysses S. Grant.

On amendment No. 106: Appropriates \$2,500, as proposed by the Senate, for unveiling the statue of Gen. George B. McClellan.

On amendments Nos. 107 and 108: Appropriates \$825,000, instead of \$900,000 as proposed by the Senate and \$750,000 as proposed by the House, for military posts, and provides for procurement of plans for an adequate water supply for Fort Harrison, in Montana.

On amendment No. 109: Makes the appropriation heretofore made for constructing sea wall in front of the Government property at Galveston, Tex., available for embankment and fill and other improvements on both Fort Crockett Reservation and the land lying between Thirty-ninth and Forty-fifth streets in said city belonging to the United States.

On amendment No. 110: Strikes out the appropriation of \$15,000 proposed by the Senate for a wagon road in the Yellowstone National Park.

On amendments Nos. 111 and 112: Appropriates, as proposed by the Senate, \$4,500 for a bridge and \$1,500 for partial reconstruction of a bridge in the Chickamauga and Chattanooga National Park, as proposed by the Senate.

On amendment No. 113: Appropriates \$19,000, as proposed by the Senate, for treatment of destitute patients in Providence Hospital.

On amendment No. 114: Appropriates \$19,000, as proposed by the Senate, for treatment of persons unable to pay therefor in Garfield Hospital.

On amendments Nos. 115, 116, 117, and 118: Relating to the National Soldiers' Homes, appropriates \$10,000 instead of \$15,000, as proposed by the Senate, for the shop building at the Pacific Branch in California, and makes verbal correction in the text of the bill.

On amendment No. 119: Makes the provision prohibiting bars or canteens.

On amendment No. 120: Strikes out the provision proposed by the Senate making the appropriation for the jail at Nome, Alaska, available for purchase of a building.

On amendment No. 121: Strikes out the appropriation of \$1,000 proposed by the Senate for counsel for Mission Indians.

On amendment No. 122: Inserts the provision proposed by the Senate, authorizing the Attorney-General to select and fix the compensation of certain employees under the Spanish Treaty Claims Commission.

On amendment No. 123: Fixes the compensation of two assistants at work on law indexes at \$720 as proposed by the House, instead of \$600 each as proposed by the Senate.

On amendment No. 124: Strikes out the provision proposed by the Senate, authorizing the printing and distribution of a consolidated index of the United States statutes.

On amendments Nos. 125 and 126: Fixes the salaries of the United States marshals and district attorneys for the southern district of California and the district of Idaho at \$4,000 each.

On amendment No. 127: Strikes out the provision proposed by the House with reference to keeping certain United States court records at Harrisburg, Pa.

On amendment No. 128: Inserts a provision, proposed by the Senate, requiring the clerks of United States courts to report and account for all moneys received by them in their official capacity, whether on behalf of the United States or otherwise.

On amendments Nos. 129 and 130: Requires the Commission for the Revision and Codification of the Laws of the United States to submit their final report to Congress, as proposed by the Senate, instead of to the Attorney-General, as proposed by the House.

On amendment No. 131: Appropriates \$12,000, as proposed by the Senate, for compensation and expenses of a special master to ascertain amount of embezzlement from the assay office at Seattle, Wash., in the case of the United States *v.* George Edward Adams.

On amendments Nos. 132, 133, and 134, relating to the penitentiary at Atlanta, Ga.: Appropriates \$30,000, as proposed by the House, instead of \$35,500, as proposed by the Senate, for subsistence, and \$15,000, as proposed by the House, instead of \$17,500, as proposed by the Senate, for clothing and transportation expenses.

On amendment No. 135: Appropriates \$200,000, as proposed by the Senate, for purchase of land and the entire contribution of the United States toward the erection of a building for permanent quarters in Washington for the International Bureau of American Republics and the Columbus Memorial Library.

On amendment No. 136: Appropriates \$10,000, as proposed by the Senate, for purchase of manuscript for new edition of the Charters and Constitutions.

On amendments Nos. 137, 138, 139, 140, 141, and 142, relating to public printing and binding, restores to the bill the provision proposed by the House and stricken out by the Senate, providing "for the purchase and installation of, and instruction in, cost, audit, and inventory systems" for the Government Printing Office: Appropriates \$5,100,000, as proposed by the Senate, instead of \$5,000,000, as proposed by the House, for printing and binding; increases the allotment from the sum for printing and binding for Congress by \$100,000, and specifies and limits the amount that may be used for the Census Office to \$125,000.

On amendment No. 143: Inserts a provision requiring that before the \$1,000,000 for reequipment of the Panama Railroad is paid the obligation of said railroad company for said sum and drawing 4 per cent interest shall be delivered to and accepted by the Secretary of the Treasury.

On amendment No. 144: Places the solicitor of customs and his assistants, provided for in the bill, under the direction of the Attorney-General, as proposed by the Senate, instead of the Secretary of the Treasury, as proposed by the House.

On amendment No. 145: Fixes the salary of the appraiser of merchandise for the port of Chicago at \$4,500.

On amendments Nos. 146, 147, and 148: Corrects the numbering of sections in the bill and inserts the provision proposed by the House requiring that certain expenses of the courts in the District of Columbia shall be paid one-half out of the revenues of said District.

On amendment No. 149: Appropriates \$1,325,000, instead of \$1,450,000, as proposed by the Senate, on conditions which are fully set forth in the conference report, for the Jamestown Exposition.

The committee of conference have been unable to agree on the following amendments:

On amendment No. 5, appropriating \$3,000,000 for site for and

toward the construction of buildings for the Departments of State, Justice, and Commerce and Labor; and

On amendment No. 47, appropriating \$150,000 for a light-ship off Swiftsure Bank, entrance to Juan de Fuca Strait.

JAMES A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,

Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am opposed to the adoption of the conference report, for this reason: Senate amendment 78 provided:

That in examinations hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources of the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits.

Now, if that language had been allowed to remain in the bill, the Geological Survey would have continued these tests in reference to coal all over the United States and all the coal fields; but instead of leaving the language in that way the conferees have stricken out of the Senate amendment this portion of the language:

Or for the purpose of increasing the general efficiency or available supply of the fuel resources of the United States.

So that it now reads merely:

That in examinations hereby authorized of fuel materials for the use of the Government of the United States, the Director of the Geological Survey may have the necessary materials collected—

And so forth. In other words, you have got a provision in this bill appropriating \$250,000 for investigation of fuel supplies, and you have limited the investigation to the fuel that is used by the United States Government. It absolutely negatives the whole proposition. You might as well negative the entire proposition. The small amount of coal that is actually purchased and used by the United States cuts no figure. It comes necessarily, the larger portion of it, from a very few coal fields immediately around the points where the Government of the United States has necessity to use fuel. What we want, and what was intended by this House when we made this provision and insisted on this matter staying in the bill, was that the entire fuel supply of the United States should be investigated. But I understand that the gentlemen on the conference committee say that they did not want to investigate this matter, because it was for the use of private individuals, and they struck that portion out because they said it would benefit private individuals. But if you will read on until the last, you will see that by the language used in the Senate amendment that was protected against, because it said:

Provided further, That in publishing the results of these investigations, the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

Mr. TAWNEY. Will the gentleman permit an interruption?
Mr. UNDERWOOD. Certainly.

Mr. TAWNEY. The House provision was:

For the continuation of the analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to the United States, in order to determine their fuel value, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, \$250,000.

To that the Senate added an amendment:

Provided, That in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States, and to give these examinations preference over other work: *Provided further*, That in publishing the results of these investigations, the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

Now, that language that the House adopted limited the field of this investigation of fuel for the use of the United States.

Mr. UNDERWOOD. The House language limited it to lands of the United States.

Mr. TAWNEY. "Analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to the United States." Now, then, the Senate provision which the conferees have stricken out is, "or for the purpose of increasing the general efficiency or available supply of fuel resources in the United States." That is entirely inconsistent with the House provision. If it contemplates that the Geological Survey is to go into a

general investigation of the extent of the fuel deposits and the efficiency of the fuel supply of the entire United States, it is entirely inconsistent with the provision which the House adopted, because the House provision limited the investigations of coal, lignites, and other fuel substances belonging to the United States. The Senate provision enlarged that investigation so as to include the entire fuel supply and efficiency of the supply throughout the United States.

Now, to accomplish what the gentleman wishes to accomplish, the conferees on the part of both Houses thought the language we retained was sufficient. That language is, "That the Director of the Geological Survey, for the purpose of making examinations, may have the necessary materials collected from any part of the United States." Now, then, they can collect fuel material of all kinds from any part of the United States, and they may test the fuel—may analyze it as they are authorized to do in the House provision. It accomplishes what I supposed the gentleman from Alabama contended for when the matter was before the House, but it does not allow the Geological Survey a roving commission for the purpose of conducting investigations all over the United States in the matter of testing fuel for everybody; but he may collect the fuel from any part of the United States and test it.

Mr. DALZELL. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Certainly.

Mr. DALZELL. According to the statement of the gentleman from Minnesota, the examinations of the Geological Survey are to be confined to those fuels which are for the use of the United States. That is to say, for actual consumption for purposes of the United States. I want to ask the gentleman from Minnesota if he does not think it is a little ridiculous to appropriate \$250,000 to examine fuels that we are going to use in the United States—that we are going to use in our boilers down here in the House?

Mr. TAWNEY. I will say to the gentleman from Pennsylvania that that is exactly what I said when we adopted the gentleman's amendment. He by his own amendment increased the appropriation from \$100,000 to \$250,000.

Mr. DALZELL. That is what the House had in view and what the Senate had in view, but what the House conferees have emasculated.

Mr. MADDEN. If the chairman will allow me—

Mr. TAWNEY. Certainly.

Mr. MADDEN. Does the chairman of the committee think that under the House language providing for coal tests that the Geological Survey would have no right to make any test except for coal to be used by the Government of the United States?

Mr. TAWNEY. No.

Mr. MADDEN. Is he willing to admit that under the language where it says the Geological Survey shall test coal owned by the United States anybody in the United States, under the language, could hand a sample of its coal to the United States, giving it title to that sample, and get the test required for scientific purposes? That is my understanding of it.

Mr. UNDERWOOD. That is not my understanding of the proposition. If I understood the language of the bill as stated by the gentleman from Illinois, I would be satisfied.

Mr. MADDEN. That is what I understood the original language was.

Mr. UNDERWOOD. If the gentleman will allow me, the language of the House bill limited these investigations to the lands owned by the United States, the public domain, the public lands of the United States.

Mr. YOUNG. It limited it to coal of the United States; it did not say "coal lands."

Mr. UNDERWOOD. Well, I mean coal lands.

Mr. YOUNG. It does not say coal lands; it says coal.

Mr. UNDERWOOD. That would limit it more, even, than I say.

Mr. GAINES of Tennessee. If it was in the land, it would belong to the United States.

Mr. UNDERWOOD. If the gentleman will allow me, this is a limitation practically to the public lands of the United States, because we own no coal otherwise. Why was that limitation put in this bill in the House? It was not because the House wanted it on the bill. It was because the men in this House who want this fuel investigation were met with a point of order and had to accept what they could get on the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I will ask the gentleman to yield me five minutes more.

Mr. TAWNEY. I yield the gentleman five minutes more.

Mr. UNDERWOOD. Now, we had to take that position, but the business interests of this country want these investigations made. It is in the interest of the development of our foreign trade, and when we consented to this amendment in the bill the House did so in order to authorize the Geological Survey to test the fuels of the United States belonging to all parties. That is the only benefit we can get out of these investigations. It would be simply folly to appropriate \$250,000 to investigate the coal that we have down in the bunkers of this cellar or the coal that lies out in the few remaining public lands of the West. What we want to do is to investigate these fuels, develop their use for the citizens of the United States, and let foreign citizens who want to buy our coal know what we have got. I am not at all in sympathy with the proposition even as it stands in the bill of limiting these investigations to great fuel deposits and not letting the individual coal miner get a certificate as to what he has got in his coal mine. I represent a coal district. My district has attempted to get into the trade in South America, to contest the territory of South America with British coals. We can land coal at Mobile cheaper and put it on shipboard cheaper than they can in any port in Wales or England. But I want to tell you this: The Alabama coals are not known. There are very few American coals known to the foreign trade, and when a ship goes into Rio Janeiro or any other South American port to load with coal, that is what it has got to have to finish its trip and carry out its voyage. The cost of the coal is not of so much importance to the shipmaster as the kind of coal he gets. If he buys a coal and fills his bunkers with a coal that is of small horsepower producing capacity, he makes a slow voyage, delays his trip, and costs his ship-owners much money.

On the other hand, if he has the best coal for his trip to put in the bunkers of his ship he increases the speed of his vessel and saves that much time in making the voyage. Everyone can see it is very necessary for the ship captain to know what he is getting before he puts the coal in his bunkers. They know the English coals; they know the foreign coals. The foreign nations have a governmental investigation, and the foreign coal that lies in the South American port has a Government certificate behind it that it is a good coal, and when we want to develop our foreign trade and increase our foreign resources why should we deny to our own citizens that which the citizens of foreign countries have when we have to compete with them? Is there a gentleman on the floor of this House who does not want to develop our foreign trade and increase the sale of our coal products? That is the object of this provision. It is to have the coals of the United States investigated by the Government of the United States and a certificate given as to what they represent, so that the shipowner and the ship captain in any port of the world when he seeks to buy American coal will know how much horsepower there is per ton and the fixed carbon there is in that coal, how much fuel supply, and he will know definitely. There is nothing we can do that will aid us more to develop our foreign coal sales and our foreign markets for our coal material than the passage of this bill if you pass it so that we can make an investigation; but you can not do it under the terms of this bill, and I contend that this conference report ought to be voted down and sent back to conference so that it will carry out really what the people in the great manufacturing and producing sections want, and that is an investigation of all the fuel supplies of the country.

Mr. GAINES of Tennessee. Does the gentleman want Congress to make an appropriation to examine all the soils of all the farm lands for sale and publish their report and send it out to the four winds of the world?

Mr. UNDERWOOD. I think the soil investigations have been of great benefit to the people of the United States.

Mr. GAINES of Tennessee. They have investigated in the proper way for a particular purpose; but the gentleman's proposition carried out its full length would require Congress to have these officials go and examine the soil of every farm in the United States, if it is to be sold, and publish their reports and send them broadcast to the people in foreign lands.

Mr. UNDERWOOD. Not at all. It simply authorizes the man who represents the coal mine and the coal supply to send their fuel to the coal-testing plant and have it tested; but under the terms of this law they can not do it.

Mr. GAINES of Tennessee. That is we are to keep men doing this kind of work when these coal owners can employ men to do this work for them?

Mr. UNDERWOOD. Why, it is not their certificate. If you issued a certificate yourself as to what you have got in your

coal, it does not mean and does not carry the weight in the market as if it is issued by the United States.

Mr. MANN. Does the gentleman think we ought to examine all the woolen goods, for instance, for wool, and a Government certificate should be issued?

Mr. UNDERWOOD. I do not.

Mr. MANN. What is the difference?

Mr. UNDERWOOD. Because those are something that anybody can investigate.

Mr. MANN. I can not tell whether an article has good wool in it or not, and I do not think the gentleman can.

Mr. UNDERWOOD. But you can find somebody who can.

Mr. GAINES of Tennessee. You can find some one who can tell about this other matter in Nashville and in Birmingham and everywhere else.

Mr. TAWNEY. If the gentleman will yield to me for a moment, I want to make a statement and then ask unanimous consent to dispense temporarily with the consideration of this conference report. Mr. Speaker, there seems to be some grave misunderstanding in respect to the effect of the Senate amendment as amended in conference. The House provision limits the investigation to the coals, lignites, and other mineral fuel substances belonging to the United States. The Senate enlarged the scope of that investigation, and also authorized the Director of the Geological Survey to have the necessary materials for the making of these tests collected from any part of the United States. In so far as the House conferees were concerned, we felt that that was enlarging the powers of the Geological Survey to the extent to which those who favored this system and policy of paternalism desired, and that there was no necessity of using the language, which was stricken out in conference. Now, in order that the matter may be adjusted, I ask unanimous consent to lay aside for the present this conference report.

Mr. GAINES of Tennessee. What is it the gentleman wants unanimous consent for?

Mr. TAWNEY. To lay aside temporarily the report.

Mr. GAINES of Tennessee. For what?

Mr. DALZELL. I hope that will be granted.

Mr. RYAN. I desire to ask the chairman, on page 85, line 10, "for the investigation of the structural materials belonging to and for the use of the United States, consisting of stones, clays, cements," etc. I want to ask the gentleman whether this "et cetera" gives authority to permit the Director of the Geological Survey to investigate and test the strength of timber and lumber?

Mr. TAWNEY. It certainly will. That was not changed in the Senate, and it is not in conference at all.

Mr. RYAN. I want to ask what that meant. Can the gentleman tell me whether this is for testing the strength of timber?

Mr. TAWNEY. That is not in controversy between the two Houses at all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

IMPROVEMENT OF CHANNELS ON NEW JERSEY COAST.

Mr. BURTON of Ohio. Mr. Speaker, I desire to call up a privileged resolution.

The SPEAKER. The gentleman from Ohio calls up the privileged resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Senate be requested to furnish to the House of Representatives a duplicate copy of bill (S. 6167) authorizing the State of New Jersey to improve the channels along the New Jersey coast under the State authority, the same having been lost or mislaid.

The question was taken; and the resolution was agreed to.

EXTENSION OF PUBLIC-LAND LAWS, ETC.

Mr. LACEY. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 12323) to extend the public-land laws of the United States to the land comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,

Managers on the part of the House.

H. C. HANSBROUGH,
REED SMOOT,
A. J. McLAURIN,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The only effect of the Senate amendment is to throw open the Fort Rice Military Reservation, in North Dakota, to free homestead settlement, including the unpatented land on the reservation heretofore settled upon. The land is west of the Missouri River and does not differ materially from the other public land in that region now open to free homestead settlement.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,

Managers on the part of the House.

Mr. LACEY. Mr. Speaker, I move that the conference report be agreed to.

The question was taken; and the conference report was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote was laid on the table.

USE OF MAILS BY TOWN TOPICS.

Mr. COCKRAN. Mr. Speaker, I move as a privileged motion to discharge the Committee on Post-Offices and Post-Roads from the further consideration of the resolution introduced on March 8, 1906, concerning the use of the mails by a publication known as "Town Topics" in the city of New York.

The SPEAKER. The gentleman from New York moves to discharge the Committee on Post-Offices and Post-Roads from the consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Whereas at a court of general sessions of the peace in and for the county of New York, the same being a court of record of the State of New York, one Norman Hapgood was on the 31st day of October, 1905, indicted by a grand jury on a charge of libel, for that he had written and published of and concerning one Joseph M. Deuel, then and now a judge of the court of special sessions in the said city and county of New York, the following words, to wit: "He is part owner and one of the editors of a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence;" and

Whereas the said Norman Hapgood on the 31st day of October, 1905, was arraigned upon the said indictment before the said court and entered a plea of not guilty thereto; and

Whereas the said indictment, having been duly transferred from the said court of general sessions of the peace in and for the city and county of New York to the supreme court of the State of New York, came on for trial on the 15th day of January, 1906, in said court, before the Hon. James Fitzgerald, a justice thereof, and a jury; and the said Norman Hapgood having admitted that he had written and published the matter charged in said indictment to be libelous, justified it on the ground that the same was true, and the jury after hearing evidence rendered its verdict that he was not guilty of libel; and

Whereas it appeared from the uncontradicted evidence given on said trial that the paper of which the said Joseph M. Deuel was part owner and one of the editors, the characterization of which as "a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence" by the said Hapgood was charged in said evidence to be a libel, is a weekly publication entitled, called, and known as Town Topics; and

Whereas the said verdict of not guilty and the judgment of acquittal entered thereon in favor of said Hapgood is a judicial declaration by a court of competent jurisdiction that the description of Town Topics charged in said indictment to be libelous is in fact true: Now, therefore, be it

Resolved, That the Postmaster-General be, and he is hereby, requested to inform the House of Representatives whether said paper, periodical, or publication entitled, called, and known as Town Topics, so adjudged by a competent court to be "a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence," is admitted now to the use of the mails, and whether its said occupation of extorting money by blackmail is in any way facilitated, promoted, or assisted by this Government through the operation of its Post-Office Department.

Mr. OVERSTREET. Mr. Speaker, I make the point of order that this resolution is not privileged, and therefore the motion of the gentleman from New York [Mr. COCKRAN] is not in order.

Mr. COCKRAN. Mr. Speaker, is that point open to discussion?

The SPEAKER. It is in the discretion of the Chair. The Chair will hear the gentleman briefly.

Mr. COCKRAN. I submit myself cheerfully to the discretion of the Chair. Mr. Speaker, the object of this resolution—

Mr. OVERSTREET. Do I understand the Chair is hearing the gentleman on the point of order?

The SPEAKER. Yes.

Mr. COCKRAN. I will state what the resolution is, in order to discuss it.

The SPEAKER. The Chair, in the discretion of the Chair, will hear the gentleman from Indiana state his point of order.

Mr. OVERSTREET. I merely wanted to understand the status. I did not know whether the gentleman was beginning to discuss the merits of the resolution or the point of order, and I merely inquired of the Chair whether the Chair was hearing him on the point of order.

The SPEAKER. Purely so. And the Chair will hear the gentleman from Indiana if he desires, although the Chair has heard the resolution read, and the Chair will hear the gentleman from New York [Mr. COCKRAN] on the point of order.

Mr. COCKRAN. Of course, Mr. Speaker, I suppose it goes without saying that in order to ascertain whether a resolution is privileged or otherwise we must have the nature of the resolution before the Chair and before the House. The object of this resolution, Mr. Speaker, is to ascertain by appropriate inquiry, addressed to the Postmaster-General with a view to possible remedial legislation by this House, whether the Post-Office Department is deliberately lending itself to facilitate the operation of a blackmailing enterprise.

Now, I submit, Mr. Speaker, this resolution, stated in these terms, presents a question of the very highest privilege. That its terms are justified will be apparent from the slightest scrutiny of the facts which it recites. I have placed before the House and before the committee no statement of fact on my own authority. I have no personal knowledge of the transactions to which I ask the attention of gentlemen on both sides to consider. I have placed before the House an exemplified copy of an indictment found by a grand jury in the court of general sessions of the peace in and for the city and county of New York, against one Norman Hapgood, charging him with libel for having written and published in a paper called Collier's Weekly these words of a certain publication, or rather of a certain person: "He is part owner and one of the editors of a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence." I have submitted the plea of not guilty, interposed by Hapgood on his arrangement, and set out the fact that as he had a right to do under our Constitution, the defendant acknowledged having written and published these words and proceeded to justify them on the ground that they were in fact true.

Testimony was taken on the issue thus raised, and on that testimony the jury, after an absence, I think, of five minutes, returned with a verdict of not guilty, and the defendant was thereupon discharged by the court, which was, in effect, a judgment that this description of the publication was not a libel, but was accurate and truthful.

Several months ago I presented these facts to the House of Representatives, with the records which substantiated them, and at the same time I presented a resolution asking the Postmaster-General to inform us whether the paper so adjudged to be engaged in printing scandal is admitted to the mails, and whether its business of extorting blackmail is facilitated and promoted by this Government through its Post-Office Department.

Mr. Speaker, this is very different from a question asking the Department of Justice if it had pursued some particular wrongdoer for the perpetration of some offense or asking some other Department if it had used all its power to prevent the commission of something which may be considered criminal. It is not a question asking the Post-Office Department to decide whether certain actions are in themselves wholesome or unwholesome—moral or immoral. The nature of this enterprise is determined to be not one occasionally lapsing into crime, but a steady, organized scheme of blackmail. Here is a resolution calling attention to a solemn finding of fact, not that this paper has libeled one, two, or thirty persons—I admit no question of privilege would be presented to this House by the fact that a publication which occasionally, or even frequently, became an engine of blackmail was using the mails—but when a competent tribunal of a sovereign State solemnly adjudges the entire publication, the whole enterprise to be merely a scheme of blackmail, the question is presented whether this Government itself is aiding the commission of crime.

This is not a case of a department standing idle while crime is perpetrated and failing to prevent it. It is a case of active

participation by Government in the crime itself. This publication is carrying on its occupation of blackmail now as I speak, not solely through the vice of its promoters, not simply by the skill of its editors, but through the active assistance of this Government, of which, Mr. Speaker, this House is an integral part. I submit to the House of Representatives that it is a question of the highest privilege whether this Government—in which we have an important share—can through one of its Executive Departments, created by our laws, supported by our appropriations, deliberately lend itself—actively contribute to a scheme of blackmail—make itself the most effective feature in that scheme of blackmail—for without the mails this enterprise of crime would be wholly ineffective.

I repeat, Mr. Speaker, that I make not the slightest assertion of fact on my own authority. I know nothing of this paper; I have never seen but one copy of it in my life, and that was twenty years ago. I do not know the editor. I have never seen him, to my knowledge. I can not have any personal feeling whatever about the question I submit to the House. I am not without pity for the wretch who, having some gift of expression, seems to be without means of employing it to gain a living by any other means than blackmail. I have nothing but sympathy for the unfortunates who, by reason of some blemish in their lives, become exposed to the blackmailers' pursuit and pay money to escape his exposure. The only persons revealed by these proceedings for whom I have an utter abhorrence are the degenerates [loud applause] whose appetite for scandal and whose eagerness to learn something evil of their neighbors lead them to buy such a sheet and thus make this scheme of blackmail effective. And, sir, I hope I will not have to link with these wretches the Government of the United States as an agency to aid the blackmailer in preying upon the fears of the weak or even on the apprehension of the guilty. [Loud applause.]

I do not think I am violating the confidence of the committee when I say that the gentleman from Indiana has held out to me all through the session a hope that before adjournment some favorable action would be taken on this resolution. We have discussed freely the only objection he seemed to entertain, which is that the statute does not give the Postmaster-General power to deal with this class of offenders.

Now, I submit to this House no statute is necessary to give to the Postmaster-General power to declare that the mail service of the United States shall not be used as an agency of crime. Will the gentleman from Indiana pretend that if it were known I was using the mail service to circulate poisonous articles or to send explosive bombs among innocent people whom I regarded as enemies that the passage of a special law would be necessary before the Postmaster-General could exclude me from the use of a great public facility which I was prostituting to crime? Here is a judgment of a court, and a decision that the occupation of this paper is one steady continuous crime. Yet the gentleman from Indiana would have us believe that the Post-Office Department has no power to authorize its officers, its postmasters, and its mail carriers to keep their hands clean of this infamy, which at this very moment is being perpetrated through their agency.

Mr. Speaker, at this moment the desks of Members are flooded with remonstrances from all over the country against the action of the Post-Office Department in excluding from the mails publications which, compared with this one, are models of cleanliness and decorum. Every day the Postmaster-General excludes from the mails some citizen, and absolutely destroys his means of living, on a suspicion that he may contemplate fraud, even though he denies the imputation, and there is not one scintilla of truth that he has injured anybody. This Department of the United States Government can condemn a man who may be perfectly honest to a fate worse than imprisonment. If a State by sentencing a man to imprisonment deprives him of an opportunity to make his own livelihood, it charges itself with responsibility for his support.

Without any hearing, without any formal accusation of crime, without an opportunity to advance proof of innocence, any citizen may be excluded from the mails on a mere suspicion of the Postmaster-General, condemned to a fate worse than imprisonment; for while this exclusion from the right to free communication with his fellows makes the whole country his prison house, the burden of supporting himself is forced on the shoulders of the victim, while the means of gaining that support is denied to him. And yet, Mr. Speaker, the gentleman from Indiana [Mr. OVERSTREET] would say that admission to the mails of the books of a publisher solemnly adjudged by a competent court to be engaged in the business of blackmail does not present a question of privilege. I ask this House if a system under which citizens are deprived of liveli-

hood, deprived of property, deprived of character, deprived of the means of making a livelihood in the future, on the mere suspicion of the Postmaster-General that they abuse the mails, can be tolerated in this country, when the same mails are open to a publication which the solemn judgment of a court of competent jurisdiction in a sovereign State declares to be an enterprise organized merely for blackmail?

Mr. Speaker, I would be glad if the gentleman from Indiana could present here any evidence that the committee inquired into the facts on which this resolution is based or that the Post-Office Department had undertaken to examine them, and on information collected by its own agents had reversed the judgment of the State courts. I admit its competence to review any decision by a State court on a collateral proceeding or of any tribunal except one having jurisdiction of its own operations; but I challenge the gentleman from Indiana to impugn in the slightest degree the conclusions of fact reached by this State court on the character of this publication. I challenge him to say, upon his own honor, before this House that this publication is anything else than a scheme of blackmail. I challenge him to deny that the United States Government is the most effective agent in the perpetration of its crimes by allowing it to circulate through the mails, and I submit to the Speaker and the House, as a question of the highest privilege, whether this body should not inform itself fully of the course pursued by the Post-Office Department toward this criminal enterprise, and if it be found that the mails are used to facilitate and promote it, to enact adequate legislation to prevent a great arm of the public service from making itself an agency of crime, and to reestablish the honor and dignity of this Government in all its branches. [Applause.]

Mr. OVERSTREET. Mr. Speaker, just a word. The censorship of the press by the Federal Government has never been undertaken. It may be that there are in many cases just grounds for considering the propriety of legislation which might at least approach, in some degree, such censorship.

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. OVERSTREET. Yes.

Mr. COCKRAN. What about the publication of Lewis, which was censured out of existence?

Mr. OVERSTREET. If the gentleman will permit me, I will state that, as I was just about to do. The statute relative to fraud orders was a law properly enacted by the Congress and now administered by the Postmaster-General. There are some who question the propriety and extent to which that law operates; but those persons interested in such legislation can prepare bills, introduce them, and press them to consideration before the proper committee having jurisdiction of such legislation. If there is any weakness in the law relative to the censorship of the press, it is just as much the province and duty of the gentleman from New York to prepare and introduce and press for consideration a measure upon that point as any other Member of this body. But, Mr. Speaker, there is no such legislation upon the statute books, nor has the gentleman from New York nor any other Member of the House introduced for consideration any legislation affecting that form of censorship. This resolution, Mr. Speaker, is what we may term "a resolution of inquiry," known generally to Members, and which the rules and precedents recognize. But, Mr. Speaker, the point I make is that the resolution of inquiry is not privileged unless the matter referred to in the resolution is privileged, and the resolution does not set out any privileged matter. I waive the preamble, because a long line of precedents establish the truth of the proposition that a preamble is no part of a resolution, and the body of the resolution itself, if this House should pass it, would make of the Post-Office Department an object of ridicule, to be inquired of for an opinion based upon a negative verdict in a criminal prosecution.

The parties referred to in this resolution defended against an indictment, and upon trial before a jury the case went off as the gentleman has indicated. But simply because the jury found for the defendant does not establish all of the evidence which the defendant had introduced, and any lawyer who ever practiced in a justice of the peace court knows that the verdict does not establish all the facts set out in the evidence by the party in whose favor the verdict has been found. I do not care to discuss the question on the merits; that is a matter for the legislation of Congress, but I repeat that it is just as much the duty of the gentleman from New York to introduce and press for consideration a law amending other laws as it is the duty of any Member of the House; but when he introduces a resolution of inquiry, that resolution must be in accordance with the rules and customs of this House. I submit that this resolution is not in line with those precedents.

Mr. COCKRAN. Mr. Speaker, I haven't the slightest idea

of submitting to this House a proposal for censorship of the press. I am opposed to any interference whatever with the press. I do not think an action of libel has ever been necessary to vindicate any honest man, though it has often resulted in exposing a rogue, as it has in this instance. I have never known a man to be injured by abuse of the press, but I have known a good many to be injured by indiscriminate praise. The gentleman from Indiana suggests that I should have introduced a bill—proposed some new legislation in the line of my resolution. There is no legislation necessary. We want to know if this publication is a blackmailing enterprise. If it is, it can be excluded from the mails under the law as it stands. The object of this resolution is to get light on the fact as to its use of the mails. That fact being established, there is law enough on the statute books now to deal with it.

The SPEAKER. The Chair is prepared to rule. The only question presented to the Chair under the point of order is whether this motion is a privileged motion under the rules of the House. The motion is to discharge the Committee on Post-Offices and Post-Roads from the consideration of the resolution which has been read. After seven days the motion is privileged, providing the resolution has nothing in it which destroys that privilege.

Now, this resolution is coupled with the preamble, which recites that there was an indictment in a State court for libel, recites that the defendant justified, recites that there was a trial, recites that the defendant was acquitted, and then in the recitation in the last whereas sets forth matter which does not reflect upon the party whom the State of New York alleged had been libeled in very complimentary terms; in fact, to the contrary. The resolution refers to the preamble and certain matters alleged in the preamble, none of which are matters that are privileged under the rules of the House.

A resolution calling for information from the Department upon a question of fact is privileged, and if this resolution alone covered such information it would be privileged. The Chair has no doubt that the preamble destroys the privilege that otherwise would be contained in the resolution, and therefore the Chair sustains the point of order.

Mr. COCKRAN. Would it be in order, Mr. Speaker, to move to strike out the preamble and allow the resolution to stand?

The SPEAKER. That would bring the House to a vote on that very question, and this is a matter not before the House. It was introduced and went to the committee. This is a motion to bring it before the House, and the privilege being destroyed by nonprivileged matter, the Chair sustains the point of order, which, of course, if the ruling of the Chair is correct, prevents the House obtaining possession of the resolution in this way.

Mr. COCKRAN. Would it be competent to ask unanimous consent for the consideration of the resolution?

The SPEAKER. The Chair having sustained the point of order, the gentleman from New York asks unanimous consent to discharge the Committee on Post-Offices and Post-Roads from further consideration of the resolution, and consider it at this time.

Mr. OVERSTREET. I object.

BILLS ON THE PRIVATE CALENDAR.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the order introduced on June 25, 1906, have had the same under consideration and report the following in lieu thereof:

"Ordered. That bills on the Private Calendar reported from the Committee on Military Affairs, from the Committee on Naval Affairs, from the Committee on Indian Affairs (except such as propose to confer jurisdiction on the Court of Claims), from the Committee on Public Lands, from the Committee on Merchant Marine and Fisheries, from the Committee on Pensions, and from the Committee on Invalid Pensions shall have, on motion being made to proceed to their consideration in House as in Committee of the Whole, the same privilege as is given by the rules on Fridays to the motion to go into Committee of the Whole to consider bills on the Private Calendar."

Mr. DALZELL. Mr. Speaker, I understand that the gentleman from Missouri [Mr. DE ARMOND] desires to be heard on this resolution.

Mr. DE ARMOND. I would like to make a few remarks on the subject at some point in the proceedings.

Mr. DALZELL. How long a time does the gentleman want?

Mr. DE ARMOND. Five minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Missouri.

Mr. WILLIAMS. Mr. Speaker, has the previous question been demanded?

The SPEAKER. No.

Mr. DALZELL. I understood the gentleman from Mississippi [Mr. WILLIAMS] had no objection to this resolution.

Mr. WILLIAMS. If the gentleman from Missouri [Mr. DE ARMOND] wants further time, I desire that it be yielded to him.

The SPEAKER. The gentleman from Pennsylvania has an hour, if he desires to use it.

Mr. DALZELL. I have yielded already to the gentleman from Missouri as much time as he wants—five minutes.

Mr. WILLIAMS. Is that all the time the gentleman desires?

Mr. DE ARMOND. Yes. Mr. Speaker, we are very near the close of the session now, and a great deal of important business remains on the Calendar, much of which I think ought to be taken up and disposed of. As to the merits of some of these private bills, as to the merits of them in general, or the demerits, I know nothing. I can hardly hope that they will be selected and called up in the order of their merit. I hardly believe that just exactly and only the right committees have been selected as those out of whose work there shall be taken for consideration the particular bills provided for under this order. Without going into comparisons or making enumerations, I think that perhaps there is included in that list one or more committees from which hardly anything of good emanates and from which comes a great deal that is not good. As to some of these committees, I think it is notorious in the House that almost everything that comes from them may well be the subject of suspicion. Whether it is due to inattention on the part of the Members or lack of equipment for the work or to something else, or to many things else, of course I do not know. Possibly there will be selected from the grist of work of the particular committee or committees which I have in view good measures and good measures alone, and if so the exception will be most notable, and this day will deserve to be in the history of certain committees a red-letter day in truth and in fact. Aside from that, however, notwithstanding what I have said is true, a great many persons desire to have different bills on the Private Calendar considered, and desire it for the best of reasons. But there are great interests in this country which desire and urge the consideration of some most important public measures. I have not the time, and if I had unlimited time at my disposal I would not care to consume it in an enumeration of these measures or in going into the merits of any of them. I might remark simply in passing that, among those things that might be considered, but certainly can not be and will not be in this House at this time, if ever, is the eight-hour labor bill. I am not going to spend any time upon that measure, but I am merely saying what is common information, what is known to everybody here and elsewhere, that millions of people, who ought to have some representation and some voice and some consideration in the Congress of the United States, earnestly desire and to the full extent of their ability earnestly urge consideration of this and other measures. While such measures lie unconsidered upon the Calendar, while consideration is contemptuously denied, while the millions who urge them are powerless here, I for one shall oppose, though of course ineffectually, the picking up of a basketful of comparatively small private measures to occupy the time of the House when measures of mighty moment are denied consideration. I know that some selection has to be made by somebody in some way, inasmuch as the bills introduced are so numerous, and indeed the bills reported are so numerous, that it is a physical impossibility to consider, much less to dispose of, all of them. But upon what lines, according to what principles, with a view to what end should selection be made and preference be given? According to my conception of duty, which is somewhat old fashioned perhaps and largely out of use here, important measures—important as they affect the interests of a great many people, important in the estimation of a great many people—are those which ought to have consideration rather than this measure or that measure, however meritorious in itself, but insignificant in comparison, consideration of which may be desired or urged by this Member or by that Member. It is late in the session, but it is not too late to take up, to consider, and to dispose of some of these very great measures now pending upon the Calendar. For the reason that it is not, and for the additional reason that it is convenient, to shove in and fill up a gap, to occupy the time with a lot of little things concerning but a few people—concerning them but to a small degree—it is for these reasons that I am opposed to this rule. [Applause.]

Mr. DALZELL. Does the gentleman from Mississippi want to use some time?

Mr. WILLIAMS. I will take it from the twenty minutes—

Mr. DALZELL. There will not be any twenty minutes on the previous question.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. When a rule is reported from the Committee on Rules and the previous question is called upon it, has not each side the right to twenty minutes to discuss it?

The SPEAKER. Providing there is no debate preceding it.

Mr. WILLIAMS. But can the gentleman cut off the right to discuss it by yielding to somebody before that?

The SPEAKER. If he gets the previous question, he can.

Mr. WILLIAMS. Very well; I will ask the gentleman to yield to me.

Mr. DALZELL. For how long?

Mr. WILLIAMS. About ten minutes—I do not think I will consume five. Mr. Speaker, I agree perfectly with the gentleman from Missouri [Mr. DE ARMOND] that this House now has time, if it chooses, as it very well may, to remain here for a few days longer, to consider some very important matters upon the Public Calendar, which have been sadly, if not criminally, neglected. It has or can make the time to give the House itself, at any rate, an opportunity to consider whether it will or will not vote up or down the so-called "eight-hour law," which, by the way, is not an eight-hour law at all, but an expression upon the part of the Government of the United States that where it goes into the market to employ labor directly or indirectly it shall be labor required to work only eight hours a day. There is in the bill not the slightest effort to interfere with the hours of labor in the States, as a labored effort has been made from certain quarters to make it appear that there is. This House might also consider some of the anti-injunction bills which have been sent to the Committee on the Judiciary. Above all things, Mr. Speaker, because it goes to our own honor, this House ought to have considered, this House has had time to consider, this House ought to remain in session until it has considered, certain bills that have been introduced for the purpose of preventing campaign contributions by corporations to corrupt the people who are corruptible for the success of political parties in this country. [Applause on the Democratic side.] I myself introduced a bill—very moderate in its character, very mild, treading upon no unsafe ground, the constitutionality of which nobody could dispute—merely providing that national banks and other corporations chartered by the Federal Government, and also corporations engaged in interstate and foreign commerce, should be mulct in damages and treated as criminals whenever they contribute to a campaign fund.

There is no doubt about the fact that we ought to put an end to the standing habit of the national banks of contributing to the campaign fund of the party in power, whichever party it is. We ought to stop the contribution by railroads engaged in interstate and foreign commerce. Whether we have constitutional power to go further or not, we have at least the constitutional power of regulating the actions of our own corporate creatures chartered by us and of corporations engaged in interstate and foreign commerce. That is not all, Mr. Speaker. The Senator from South Carolina, Mr. TILLMAN, introduced a bill that has this purpose in view. That bill has passed the Senate; that bill is lying upon the Speaker's desk or else has been sent from the Speaker's desk to the proper standing committee of this House. This House ought under no circumstances to adjourn until that bill passes this House or a bill of intentment like it amended by this House passes this House. [Applause on the Democratic side.] But, Mr. Speaker, that is not the question before this House now. It was proposed by the Committee on Rules to give the Members an opportunity to pass their local and private bills upon the Union Calendar, and for that reason to make of to-day what Friday, private-bill day, ordinarily is. There are forty-odd Members on both sides of this Chamber having bills of very great local importance to their constituents, which will be allowed by this rule to be considered and which without this rule will never be considered at this session of Congress.

If we vote against this rule we do not thereby get any opportunity to consider these other bills of which I have spoken—the anticorporation corruption fund bill or any other. If the defeat of this rule could remotely tend even to get one of those bills before the House for consideration, I would exhaust every possible parliamentary device to defeat this rule. We merely cut off opportunity for individual Members to serve their constituents, by passing the bills upon the Private Calendar, if we defeat this rule. This rule applies to no bills except those of a private character. I, for that reason, as a member of the Committee on Rules agreed that the rule should be reported, because I will be glad to see Members get an opportunity to pass the bills for their constituents, or, rather, to have them considered by the House to be passed, if the House desires to pass them. [Applause on the Democratic side.]

Mr. SULZER. Will the gentleman from Pennsylvania [Mr. DALZELL] allow me five minutes?

Mr. DALZELL. I think we have discussed this question long enough.

Mr. SULZER. I think you ought to allow me five minutes.

Mr. DALZELL. Mr. Speaker, having indulged the gentleman from Mississippi in that which he likes better than anything else, listening to the tones of his own voice, I now ask the attention of the House to the question before it. There are a number of bills on the Private Calendar that have been reported by the various committees outside of the Committee on Claims and the Committee on War Claims that are deserving of the consideration of the House. Under ordinary circumstances, whether we stayed here a week or two weeks or a month or two months, the probabilities are that these bills would not be reached for discussion in the House, and therefore it was thought wise to submit the rule which I proposed a few moments ago, which makes in order the calling up of the bills reported from various committees now on the Calendar of the House. And I will repeat for the information of the House the committees named in the rule: The Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Indian Affairs (except such bills as would propose to confer jurisdiction on the Court of Claims), the Committee on Public Lands, the Committee on Merchant Marine and Fisheries, the Committee on Pensions, and the Committee on Invalid Pensions. If there be sufficient time before adjournment to consider these bills, the opportunity will be afforded by the adoption of this rule. I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] asks for the previous question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 120, noes 35.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 130, noes 31.

Mr. SULZER. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count.

Mr. SULZER. The Chair has already counted on a division.

The SPEAKER. The Chair has counted. The doors will be closed; the Sergeant-at-Arms will bring in absentees; the yeas and nays will be ordered upon agreeing to the resolution. Those who are in favor of agreeing to the resolution will, when their names are called, answer "aye," and those opposed will answer "no," and those voting present will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 208, nays 23, voting "present" 14, not voting 134, as follows:

YEAS—208.

| | | | |
|-----------------|----------------|------------------|------------------|
| Acheson | Cushman | Hefflin | McKinley, Ill. |
| Adamson | Dale | Henry, Conn. | McKinney |
| Alexander | Dalzell | Hepburn | McLain |
| Allen, N. J. | Darragh | Higgins | McMarran |
| Bankhead | Davey, La. | Hill, Miss. | McNary |
| Bannon | Davidson | Hinshaw | Madden |
| Barchfeld | Davis, Minn. | Hoar | Mahon |
| Bates | Davis, W. Va. | Houston | Marshall |
| Beall, Tex. | Dawson | Howard | Martin |
| Beidler | Denby | Howell, N. J. | Maynard |
| Bell, Ga. | Dickson, Ill. | Hubbard | Miller |
| Bennet, N. Y. | Dixon, Ind. | Huff | Minor |
| Bennett, Ky. | Dresser | Humphrey, Wash. | Moon, Pa. |
| Bishop | Driscoll | Humphreys, Miss. | Moon, Tenn. |
| Bonyne | Dunwell | Hunt | Mouser |
| Boutell | Dwight | Jenkins | Murphy |
| Brooks, Colo. | Ellis | Jones, Wash. | Needham |
| Broussard | Esch | Kelfer | Norris |
| Brownlow | Fitzgerald | Keliher | Olcott |
| Brundidge | Fletcher | Kennedy, Ohio | Olmsted |
| Burke, Pa. | Flood | Kinkaid | Otjen |
| Burke, S. Dak. | Floyd | Kitchin, Wm. W. | Overstreet |
| Burleson | Foss | Klepper | Padgett |
| Burnett | Foster, Ind. | Lacey | Parker |
| Burton, Del. | Foster, Vt. | Lafcan | Parsons |
| Byrd | French | Lamb | Patterson, S. C. |
| Calder | Fulkerson | Law | Payne |
| Calderhead | Gaines, W. Va. | Lee | Perkins |
| Campbell, Kans. | Garrett | Le Fevre | Pollard |
| Candler | Gilbert, Ind. | Lever | Ransdell, La. |
| Capron | Gill | Lilley, Conn. | Reeder |
| Cassel | Gillespie | Lilley, Pa. | Reynolds |
| Clayton | Goulden | Lindsay | Rhodes |
| Cockran | Graff | Littauer | Richardson, Ala. |
| Cocks | Graham | Livingston | Rixey |
| Cole | Greene | Loud | Roberts |
| Conner | Griggs | Loudenslager | Robinson, Ark. |
| Cooper, Pa. | Grosvenor | Lovering | Rodenberg |
| Coudrey | Hamilton | McCall | Ruppert |
| Cousins | Hardwick | McCleary, Minn. | Ryan |
| Cromer | Haskins | McCreary, Pa. | Schneebell |
| Crumpacker | Haugen | McGavin | Sherley |
| Curtis | Hayes | McKinlay, Cal. | Sherman |

| | | | |
|------------------|-----------------|--------------|--------------|
| Sims | Southard | Tawney | Watkins |
| Smith, Cal. | Southwick | Taylor, Ala. | Webber |
| Smith, Iowa | Sperry | Thomas, Ohio | Weems |
| Smith, Md. | Spight | Townsend | Wiley, N. J. |
| Smith, Samuel W. | Stafford | Underwood | Williams |
| Smith, Pa. | Steenerson | Volstead | Wilson |
| Smith, Tex. | Stevens, Minn. | Waldo | Wood |
| Smyser | Sullivan, Mass. | Wallace | Young |
| Snapp | Sulloway | Wanger | Zenor |

NAYS—23.

| | | | |
|-------------|--------------|------------------|----------|
| Bartholdt | Garber | Kitchin, Claude | Russell |
| Bartlett | Gilbert, Ky. | Lamar | Sheppard |
| Bowie | Hay | Lloyd | Southall |
| Clark, Fla. | Henry, Tex. | Macon | Sulzer |
| Clark, Mo. | James | Patterson, N. C. | Trimble |
| De Armond | Jones, Va. | Pou | |

ANSWERED "PRESENT"—14.

| | | | |
|-------------|---------------|---------|----------|
| Andrus | Cooper, Wis. | Glass | Samuel |
| Burleigh | Currier | Gudger | Sparkman |
| Butler, Pa. | Fuller | Johnson | |
| Chapman | Gaines, Tenn. | Kline | |

NOT VOTING—134.

| | | | |
|----------------|-------------------|------------------|------------------|
| Adams | Fowler | Lewis | Shackleford |
| Aiken | Gardner, Mass. | Little | Shartel |
| Allen, Me. | Gardner, Mich. | Littlefield | Sibley |
| Ames | Gardner, N. J. | Longworth | Slayden |
| Babcock | Garner | Lorimer | Slemp |
| Bede | Gillett, Cal. | McCarthy | Small |
| Bingham | Gillett, Mass. | McDermott | Smith, Ill. |
| Birdsall | Goebel | McLachlan | Smith, Ky. |
| Blackburn | Goldfogle | Mann | Smith, Wm. Alden |
| Bowers | Granger | Meyer | Stanley |
| Bowersock | Gregg | Michalek | Stephens, Tex. |
| Bradley | Gronna | Mondell | Sterling |
| Brantley | Hale | Moore | Sullivan, N. Y. |
| Brick | Hearst | Morrell | Talbott |
| Broocks, Tex. | Hedge | Mudd | Taylor, Ohio |
| Brown | Hermann | Murdoch | Thomas, N. C. |
| Buckman | Hill, Conn. | Nevin | Tirrell |
| Burgess | Hitt | Page | Towne |
| Burton, Ohio | Hogg | Palmer | Tyndall |
| Butler, Tenn. | Holliday | Patterson, Tenn. | Van Duzer |
| Campbell, Ohio | Hopkins | Pearre | Van Winkle |
| Chaney | Howell, Utah | Powers | Vreeland |
| Dawes | Hughes | Prince | Wachter |
| Deemer | Hull | Pujo | Wadsworth |
| Dixon, Mont. | Kahn | Rainey | Watson |
| Doyener | Kennedy, Nebr. | Randell, Tex. | Webb |
| Draper | Ketcham | Reid | Weeks |
| Edwards | Knapp | Rhinock | Weisse |
| Ellerbe | Knopf | Richardson, Ky. | Welborn |
| Fassett | Knowland | Rives | Wharton |
| Field | Landis, Chas. B. | Robertson, La. | Wiley, Ala. |
| Finley | Landis, Frederick | Rucker | Woodyard |
| Flack | Lawrence | Scott | |
| Fordney | Legare | Scroggy | |

So the resolution was adopted.

The following pairs were announced:

For this session:

Mr. FASSETT with Mr. HOWARD.

Mr. WANGER with Mr. ADAMSON.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. CURRIER with Mr. FINLEY.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. HULL with Mr. SLAYDEN.

Until further notice:

Mr. LITTLEFIELD with Mr. PATTERSON of Tennessee.

Mr. HITT with Mr. LEGARE.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. WELBORN with Mr. GUDGER.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. SLEMP with Mr. GLASS.

Mr. VREELAND with Mr. FIELD.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Mr. HUGHES with Mr. REID.

Mr. EDWARDS with Mr. BROOCKS of Texas.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. DEEMER with Mr. KLINE.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. BUTLER of Pennsylvania with Mr. GARNER.

Mr. HILL of Connecticut with Mr. BUTLER of Tennessee.

Mr. BIRDSALL with Mr. HEARST.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. BABCOCK with Mr. LITTLE.

Mr. DOYENER with Mr. SPARKMAN (except seeds and pilot bill).

On this day:

Mr. BURLEIGH with Mr. McDERMOTT.

Mr. WEEKS with Mr. STANLEY.

Mr. WACHTER with Mr. PAGE.

Mr. WATSON with Mr. WILEY of Alabama.

Mr. STERLING with Mr. WEISSE.

Mr. SCOTT with Mr. SMITH of Kentucky.

Mr. WM. ALDEN SMITH with Mr. SHACKLEFORD.

Mr. MURDOCK with Mr. SMALL.

Mr. MUDD with Mr. RAINY.

Mr. MANN with Mr. RUCKER.

Mr. LAWRENCE with Mr. WEBB.
 Mr. KNOWLAND with Mr. PUJO.
 Mr. HALE with Mr. MOORE.
 Mr. GRONNA with Mr. LEWIS.
 Mr. GILLET of Massachusetts with Mr. GREGG.
 Mr. FORDNEY with Mr. GRANGER.
 Mr. DAWES with Mr. GOLDFOGLE.
 Mr. BOWERSOCK with Mr. ELLERBE.
 Mr. ADAMS with Mr. AIKEN.
 Mr. HEDGE with Mr. TALBOTT.
 Mr. DRAPER with Mr. ROBERTSON of Louisiana.
 Mr. LAW with Mr. REID.
 Mr. KNAPP with Mr. TOWNE.
 Mr. KETCHAM with Mr. RANDALL of Texas.
 Mr. BINGHAM with Mr. BOWERS.
 Mr. BEDE with Mr. BRANTLEY.
 Mr. PEARRE with Mr. VAN DUZER.
 Mr. GARDNER of Michigan with Mr. RHINOCK.
 Mr. BUCKMAN with Mr. MEYER.
 The result of the vote was then announced as above recorded.
 The SPEAKER. The doors will be opened.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River;

H. R. 20287. An act to authorize George Hammons, Charles Vannice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.;

H. R. 18601. An act granting an increase of pension to Edward A. Barnes; and

H. R. 19814. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with the amendments of the Senate thereto and the message of the Senate of June 27, 1906, notifying the House of the agreement of the Senate to the conference report thereon.

RETURN OF SUNDRY CIVIL BILL AND CONFERENCE REPORT TO THE SENATE.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
 June 28, 1906.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with the amendments of the Senate thereto, and the message of the Senate of June 27, 1906, notifying the House of the agreement of the Senate to the conference report thereon.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

RAILROAD RATE BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for present consideration of the conference report on the railroad rate bill.

Mr. GAINES of Tennessee. I object. Let it lie over and be printed in the Record, so that we can read it.

The SPEAKER. Does the gentleman present the report for printing?

Mr. SHERMAN. Mr. Speaker, I do not present it for printing. I have asked unanimous consent for its consideration, and if it is not granted I shall not present it.

Mr. GAINES of Tennessee. Let it lie over under the rules.

Mr. WILLIAMS. What is this that is presented for present consideration?

The SPEAKER. The gentleman from New York asks for the present consideration of the conference report which he holds in his hand, on the rate bill.

Mr. WILLIAMS. Mr. Speaker, I suppose the gentleman wants this simply to avoid the usual twenty-four hours?

Mr. SHERMAN. Yes.

Mr. WILLIAMS. I will object. We had such an unfortunate experience the last time when the bill was laid before the House that I think it would be better that it should go over for twenty-four hours, so that the House may read the report in the Record and understand it fully.

RESIGNATION OF HON. TIMOTHY D. SULLIVAN.

The SPEAKER laid before the House the following letter; which was read and ordered to lie on the table:

HOUSE OF REPRESENTATIVES, UNITED STATES,
 Washington, D. C., June 27, 1906.

HON. JOSEPH G. CANNON,
 Speaker House of Representatives, Washington, D. C.

SIR: I have this day transmitted to the governor of the State of New York my resignation as a Member of the House of Representatives of the Fifty-ninth Congress for the Eighth district of New York, to take effect July 27, 1906.

Respectfully, yours,

TIMOTHY D. SULLIVAN.

PRIVATE CALENDAR.

The SPEAKER. Under the special order, the House will proceed to the consideration of bills on the Private Calendar.

HEIRS OF CHARLES W. DAKIN AND THOMAS J. HENNESSY.

The first business was the bill (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport *Meade*.

The bill was read, as follows:

Whereas Capt. Charles W. Dakin and Hoseman Thomas J. Hennessy, both of the fire department of the city and county of San Francisco, lost their lives while bravely fighting a fire on board of the United States Army transport *Meade* in the harbor of San Francisco, Cal., on the night of January 31, 1906; and

Whereas they met their deaths not from some untoward accident, but solely as a result of their heroism in sticking to their post in the presence of great and evident danger; and

Whereas by their deaths their widows and orphans were left practically penniless: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as a reward for the bravery and heroism shown by the late Capt. Charles W. Dakin and Thomas J. Hennessy, both of the San Francisco fire department, in fighting a fire on board the United States Army transport *Meade* in the harbor of San Francisco, Cal., on the night of January 31, 1906, to the widow and minor child of the said Capt. Charles W. Dakin the sum of \$5,000 and to the widow and minor children of the said Thomas J. Hennessy the sum of \$5,000.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

TONEY E. PROCTOR.

The next business was the bill (H. R. 11978) to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Toney E. Proctor, out of any money in the United States Treasury not otherwise appropriated, the sum of \$2 per day in lieu of subsistence while acting as appraiser of the town of Wagoner, Creek Nation, Ind. T., from August 13, 1899, to April 23, 1901.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

STEPHEN TEICHNER.

The next business was the bill (H. R. 8041) authorizing a patent to be issued to Stephen Teichner for certain lands therein described.

The bill was read.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill favorably reported by a House committee and on the Calendar.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to substitute a similar Senate bill favorably reported and on the House Calendar. Is there objection?

There was no objection.

The bill referred to (S. 92) was read, as follows:

Be it enacted, etc., That the entry of Stephen Teichner, of the west half of the northwest quarter of section 35, in township numbered 152, of range 75, in the Devils Lake land district, North Dakota, held for cancellation by the Commissioner of the General Land Office and ordered canceled by the Secretary of the Interior, be, and the same is hereby, allowed, and permitted to remain of record as of the date of said entry, so that title to said land may inure to the benefit of his grantees as far as he may have conveyed the same: *Provided*, That the money paid for said lands shall not have been withdrawn, or if withdrawn shall again be paid at said land office, and that thereupon a patent shall issue in the name of said Stephen Teichner for said land.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

By unanimous consent, the bill H. R. 8041, was ordered to lie on the table.

WILLIAM H. BEALL.

The next business was the bill (H. R. 5651) for the relief of William H. Beall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to place on the records as having been

honorably discharged the name of William H. Beall, late a paymaster's steward on gunboat Fairplay, and issue to him a discharge to bear date of August 15, 1863.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

MICHAEL SHEEHAN.

The next business was the bill (H. R. 13895) to correct the naval record of Michael Sheehan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to remove from the rolls and records in the Navy Department the record of desertion now standing on said rolls and records against Michael Sheehan, late landsman on the Potomac flotilla, and grant a certificate of honorable discharge, to date July 4, 1865: *Provided*, That the passage of this act shall not serve to entitle him to any bounty or allowance.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

JAMES H. OLIVER.

The next business was the bill (S. 1864) for the relief of James H. Oliver, a commander on the retired list of the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint James H. Oliver, now a commander on the retired list of the United States Navy, to the grade of commander on the active list of the United States Navy: *Provided*, That the said James H. Oliver shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *Provided further*, That the said James H. Oliver shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*, That said James H. Oliver shall not by the passage of this act be entitled to back pay of any kind.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CAPT. SIDNEY F. SHAW.

The next business was the bill (H. R. 2997) for the relief of Capt. Sidney F. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sidney F. Shaw, late captain in the Fifteenth Regiment of West Virginia Infantry and acting chief engineer of the Department of West Virginia, out of any money in the Treasury not otherwise appropriated, the pay, emoluments, and allowances of a captain of cavalry from the 3d day of April, 1864, to the 19th day of June, 1865, less the amount heretofore paid him for service for that time and any allowance that he may be entitled to as a chief engineer for that time.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

FRANCIS J. CLEARY.

The next business was the bill (S. 4593) for the relief of Francis J. Cleary, a midshipman in the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Francis J. Cleary, now a midshipman in the United States Navy, to the grade and rank of ensign on the active list of the Navy, to take rank with the members of his class according to proficiency as shown by order of merit at the date of final graduation: *Provided*, That the said Cleary shall be an additional number in the grade of ensign, and in any grade in which he may hereafter be advanced.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PAY CLERK WALTER DELAFIELD BOLLARD, UNITED STATES NAVY.

The next business was the bill (H. R. 7741) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy.

The bill as amended by the committee was read, as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of Walter Delafield Bollard, United States Navy.

The amendment recommended by the Committee on Naval Affairs was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

STEPHEN M. HONEYCUTT.

The next business on the Private Calendar was the bill (H. R. 3498) for the relief of Stephen M. Honeycutt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in such manner as to show that Stephen M. Honeycutt, private of Company E, Third Regiment North Carolina Mounted Volunteer Infantry, was enrolled, that is, enlisted and mustered into the military service of the United States, on the 25th day of March, 1864, and honorably discharged at Knoxville, Tenn., on the 8th day of August, 1865.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HARRY A. YOUNG.

The next business on the Private Calendar was the bill (H. R. 15673) for the relief of Harry A. Young.

The Clerk read the bill, as follows:

Be it enacted, etc., That Harry A. Young shall be held and considered to have been mustered into the military service of the United States in the office of assistant surgeon of the battalion of Utah Light Artillery, with the rank of captain, on the 18th day of January, 1899, and to have held said office and rank until he was killed in action on the 6th day of February, 1899.

With the following amendment:

In line 6 strike out the word "captain" and insert the word "first lieutenant."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOSHUA T. REYNOLDS.

The next business on the Private Calendar was a bill (H. R. 8478) for the relief of Joshua T. Reynolds.

The Clerk read the bill, as follows:

Be it enacted, etc., That Joshua T. Reynolds shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 10th day of February, A. D. 1864, as captain of Company F, Ninth Regiment Pennsylvania Reserve Infantry, otherwise known as the Thirty-eighth Regiment Pennsylvania Volunteers: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

JOHN B. FORD.

The next business on the Private Calendar was the bill (H. R. 8375) for the relief of John B. Ford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to enter the name of John B. Ford as a private soldier upon the original muster rolls of Company A, Seventh Regiment Iowa Volunteer Cavalry, from the 22d day of September, 1862, to the 23d day of June, 1863, the last being the date of his release from said service, and that there be issued to him a certificate of honorable discharge by the War Department, his muster having been prevented by disease contracted in the line of duty in said company after his enlistment therein and without fault on his part.

With the following committee amendments:

Strike out all after the enacting clause and insert the following:

That John B. Ford be held and considered to have been mustered into service as a private of Company A, Seventh Regiment Iowa Cavalry Volunteers, as of date of September 22, 1862, and to have been honorably discharged as of date of April 27, 1863, and an honorable discharge be issued in accordance with this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BARK HOMEWARD BOUND.

The next business on the Private Calendar was the bill (H. R. 11932) to grant American registry to the bark *Homeward Bound*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized to register as an American vessel the bark *Homeward Bound*, now sailing under a limited American register.

Mr. SULZER. Mr. Speaker, I want some information about this bill. Is this to give an American registry to a foreign-built ship?

Mr. GROSVENOR. It is to give an American register to a foreign ship.

Mr. SULZER. Why? What are the reasons?

Mr. GROSVENOR. The gentleman had better get some one in favor of the bill to answer his question.

Mr. HINSHAW. Mr. Speaker, I know something about the merits of this bill. It came before the Committee on Merchant Marine and Fisheries. It was a foreign vessel, but decided to have been wrecked in American waters on the coast of California, and was repaired in America. She is owned by a man who lives in San Francisco—Captain Ellis—and this is the only property he owns. I can not give the exact amount of the repairs, but they constituted something more than one-half of the value of the vessel.

Mr. SULZER. Where was the vessel wrecked?

Mr. HINSHAW. As I understood the testimony, she was wrecked out in the Pacific—that is, it was injured in the Pacific—but it could proceed in a straight line to San Francisco, and when it became necessary to turn it, it then was found that it was wrecked, and it was declared before the authorities before whom it was tried to have been technically wrecked in American waters. I think that was so decided by the Department in Washington, by the Attorney-General's Department.

Mr. SULZER. What application, if any, has been made to the Commissioner of Navigation to grant an American register to this bark?

Mr. HINSHAW. I am not sure about that. The bark was admitted to a limited American register by the last Congress, and this is only to give it an additional register to entitle it to enter the coastwise trade. If I understand, the vessel can now ply between the Philippines and the United States.

Mr. GOULDEN. She can now ply between the Philippines and the United States under her register granted by the last Congress.

Mr. SULZER. Mr. Speaker, I do not like this practice, but on the assurance of my colleague from New York [Mr. GOULDEN], who is on the committee, and who tells me that it is a most meritorious bill, I shall not object. However, I want to state that a short time ago, I believe, a bill passed this House which I am informed is now law, that gives the Commissioner of Navigation, in certain cases, authority to grant registration to foreign-built ships. I am not sure about it, but I do not think that the Committee on Merchant Marine and Fisheries should discriminate now and then by bringing in bills granting American registration to a foreign-built ship and put it under the American flag. I do not like the looks of it, but this time I shall refrain from objecting. There should be a general law or none at all.

Mr. GROSVENOR. I want to state to the gentleman from New York that there is no such law as he refers to. The law referred to by him has been repealed, so that there can be no registry except by act of Congress. This is the least objectionable of any of the bills that have come from the committee within my knowledge.

Mr. SULZER. It is a personal discrimination.
The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMERICAN REGISTER FOR STEAMERS MARIE AND SUCCESS.

The next business was the bill (H. R. 7014) to provide American registers for the steamers *Marie* and *Success*.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamers *Marie* and *Success*, wrecked in the waters of Cuba and the Isthmus of Panama, respectively, and purchased and wholly owned by the Merritt & Chapman Derrick and Wrecking Company, of New York City, incorporated under the laws of the State of West Virginia, to be registered as vessels of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs on each of the said vessels amount to three times the actual cost of each of the said wrecks to the owner.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

GALEN E. GREEN.

The next business was the bill (H. R. 3393) granting an honorable discharge to Galen E. Green.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, required to give to Galen E. Green, late first lieutenant of the Seventh Wisconsin Battery, an honorable discharge, to date on the 15th day of January, 1864, the same as though the name of said Green had been borne on the rolls of the Army to the date last named.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

HAROLD L. JACKSON.

The next business was the bill (H. R. 16069) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint Harold L. Jackson, now a captain on the retired list of the Army, to be a major on the retired list of the Army with the rank and pay of said office.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to substitute for the bill just read the Senate bill 4965, an exactly similar bill, and to lay the House bill on the table.

The SPEAKER. The gentleman from Michigan asks unanimous consent to substitute a similar Senate bill on the Calendar. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, read the third time, and passed.

Without objection, the House bill (H. R. 16069) was laid on the table.

ROBERT B. TUBBS.

The next business was the bill (H. R. 11153) to correct the military record of Robert B. Tubbs.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Robert B. Tubbs, late of Company I, Eighth Regi-

ment Michigan Cavalry, and issue to said Robert B. Tubbs, or his heirs, an honorable discharge from said service as of the date when said company was mustered out of the service of the United States.

The committee amendment was read, as follows:

In line 4, after the word "to," strike out down to and including line 9 and insert in lieu thereof the following:

"Grant an honorable discharge to Robert B. Tubbs, late a lieutenant of Company I, Eighth Michigan Cavalry Volunteers, to date August 22, 1863."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

ALLEN V. REED.

The next business was the bill (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy.

The Clerk read as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint Allen V. Reed, now a captain on the retired list of the Navy, to be a rear-admiral on the retired list of the Navy, with the rank and pay of said office, the appointment to date from the 22d of November, 1898.

The committee amendments were read, as follows:

Lines 5 and 6, strike out the words "rear-admiral" and insert "commodore."

Line 7, strike out all after the word "office."

Amend the title so as to read: "A bill authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

The title was amended.

CHARLES H. STOCKLEY.

The next business was the bill (H. R. 9577) for the relief of Charles H. Stockley.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing Charles H. Stockley from the service as second lieutenant of Company G, Purnell Legion, Maryland Infantry Volunteers, and to issue a certificate of honorable discharge for him to date from the 7th day of May, 1864, and the said Charles H. Stockley shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

THOMAS ROSS.

The next business was the bill (H. R. 12105) for the relief of Thomas Ross.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Thomas Ross, deceased, on the records as a captain of Company H, Ninth West Virginia Volunteer Infantry, and grant him an honorable discharge: *Provided, however,* That nothing shall accrue to the said Thomas Ross or his personal representatives as pay, bounty, or other emolument by virtue of this act.

The committee amendment was read, as follows:

Line 5, strike out the word "captain" and insert the word "private."

Mr. BANNON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "records," in line 5, insert the following: "As though mustered into the military service of the United States."

Mr. GARRETT. Mr. Speaker, I would like to ask what committee this bill comes from?

The SPEAKER. The Committee on Military Affairs.

Mr. GARRETT. Is it a unanimous report?

Mr. BANNON. Yes.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

MISSIONARY BAPTIST CHURCH, ROCK SINK, FLA.

The next business was the bill (S. 1725) granting certain lands to the Missionary Baptist Church, of Rock Sink, Fla.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the trustees of the Rock Sink Missionary Baptist Church, of Rock Sink, Fla., and their successors, in trust, the following-described land for use for school, church, and cemetery purposes: The south half of lot 11, section 13, township 8 south, of range 13 east; and when no longer used for said purposes the same shall revert to the United States.

The committee amendments were read, as follows:

In line 4, after the words "directed to," insert the words "sell and," and after the word "convey," in line 4, insert the words "at one dollar and twenty-five cents an acre," and in line 6 strike out the words "in trust," and in lines 6 and 7 strike out the words "for use for school,

church, and cemetery purposes," and in lines 9 and 10 strike out the words and punctuation " : and when no longer used for said purposes the same shall revert to the United States."

Amend the title so as to read: "A bill to sell land for cemetery and other purposes to Missionary Baptist Church, of Rock Sink, Fla."

The bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended. There was no objection, and it was so ordered.

JAMES B. MULFORD.

The next business was the bill (H. R. 3357) granting an honorable discharge to James B. Mulford.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby is, authorized and directed to correct the military record of, and grant an honorable discharge to, James B. Mulford, late a private in Company B, Seventy-ninth Ohio Volunteer Infantry.

The committee amendment was read as follows:

Strike out all after the enacting clause and insert the following:

"That James B. Mulford be held and considered to have been mustered into service as a private of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, as of date of August 18, 1862, and to have been honorably discharged as of date of October 21, 1862, and that the Secretary of War is hereby authorized and directed to issue an honorable discharge in accordance with the provisions of this act."

Mr. SLAYDEN. Mr. Speaker, I should like to ask the gentleman who is in charge of the bill if the report of the committee was unanimous. I can not now identify the case.

Mr. DAWSON. I would say that it was a unanimous report.

Mr. GARRETT. Mr. Speaker, I would like to ask the gentleman the circumstances in regard to this bill, briefly.

Mr. DAWSON. Mr. Speaker, this soldier enlisted and was regularly enrolled at Hopkinsville, Ohio, but owing to some fault of the mustering officer the muster rolls were not signed. Mr. Mulford with the remainder of his company and regiment moved over into Kentucky, where it was found, on account of this defect in the muster roll, it was necessary to muster the company again. This bill makes provision for his muster as of date of the first enrollment, which was about sixty days prior to this second muster in.

Mr. GARRETT. Does the bill provide to muster him in and muster him out?

Mr. DAWSON. At the time of the second muster in Mr. Mulford was sick in the hospital and was rejected by the medical officer.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter recently received relative to this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

WILTON JUNCTION, IOWA, June 6, 1906.

To the honorable Senate and House of Representatives of the United States at Washington, D. C.

GENTLEMEN: At a regular meeting of Henry Selbert Post, No. 250, Department of Iowa, Grand Army of the Republic, the following resolution was unanimously adopted:

Resolved, That we, as members of the Grand Army of the Republic, do most heartily indorse the efforts being put forth by our worthy Congressman, the Hon. ALBERT F. DAWSON, in behalf of our worthy citizen and comrade, J. B. Mulford, and pray that justice may be done him in a special act of Congress granting him an honorable discharge from the services of the United States Army, and we, your petitioners, would ever pray.

M. D. ALLEN, Post Commander.

Attest:

C. A. CURTIS, Post Adjutant.

GEORGE H. KEATING.

The next business was the bill (H. R. 3507) to correct the military record of George H. Keating.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of George H. Keating, late a private in Company G, Ninth New York Volunteer Infantry, so as to show that the said George H. Keating was duly and regularly mustered into the service of the United States as a private in said company and regiment, to date the 4th day of May, 1861, and that he faithfully served with said company and regiment until the 20th day of May, 1863, and that he was then honorably mustered out of such service.

The amendment in the nature of a substitute was read, as follows:

That George H. Keating be held and considered to have been mustered into the United States military service as a private in Company G, Ninth New York Volunteer Infantry, as of date of May 18, 1861, and honorably discharged from said service as of date of May 20, 1863, and that an honorable discharge be issued in accordance with this act: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN ALSAUGH.

The next business was the bill (S. 1211) to correct the military record of John Alspaugh.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to enter the name of John Alspaugh on the muster-in rolls of Company E, One hundred and fifty-third Ohio National Guard Volunteers, as of May 2, 1864, thereby substituting the said John Alspaugh for one Elias Alspaugh, who the records erroneously show was mustered in as a member of said organization, though performing no service therein.

Mr. GARRETT. I would like to ask the gentleman in charge of the bill if this is a unanimous report?

Mr. YOUNG. The report is not only unanimous, but there is nothing in the bill except that the man's name was given wrong in the muster roll, and it is simply to correct the name.

The bill was ordered to be read a third time, was read the third time, and passed.

[Mr. HAUGEN addressed the House. See Appendix.]

JOHN ALLEN.

The next business was the bill (H. R. 17122) to correct the military record of John Allen.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to revoke the dishonorable discharge which was issued in the case of Private John Allen, Company I, Thirty-second Infantry, United States Volunteers, and, if in his judgment the circumstances attending the separation of said Allen from the military service warrant it, to issue an honorable discharge as of the date of his actual separation from the military service.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry. I would like to know if this is Private John Allen, formerly a Member of the House?

The SPEAKER. The gentleman will have to inquire of Tupelo.

Mr. SULZER. In my opinion, there is only one Private John Allen in all the land.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILBUR C. STEPHENS.

The next business was the bill (H. R. 4279) to correct the military record of Wilbur C. Stephens.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and instructed to correct the military record of Wilbur C. Stephens, late of Company C, Purnell Legion Maryland Infantry, and to grant him an honorable discharge from said regiment.

The amendment was read, as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DANIEL B. MURPHY.

The next business was the bill (H. R. 13142) for the relief of Daniel B. Murphy.

The Clerk read as follows:

Be it enacted, etc., That Daniel B. Murphy, late adjutant of the Twenty-fifth Regiment New Jersey Volunteer Infantry, shall be held and considered to have been honorably discharged from said regiment on February 18, 1863, and that the Secretary of War shall issue to him an honorable discharge as of that date: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES D. VERNAY.

Mr. PARKER. Mr. Speaker, I desire to return to Docket No. 3178, Senate bill 2325, for the relief of James D. Vernay. That bill was reported with the request of the Senate that it be returned to the Senate, and by mistake it was taken out of the Calendar and sent to the file room, where I rescued it. I move that the bill be returned to the Senate, pursuant to their request.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MARION WESCOTT, F. F. GREEN, ETC.

The next business was the bill (H. R. 19500) for the relief of Indian traders Marion Wescott, F. F. Green, and J. I. Leige, assignee of Joseph C. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to examine and audit the accounts of licensed Indian traders Marion Wescott and F. F. Green and of J. A. Leige, assignee of Joseph C. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin at the Green Bay Agency, who purchased supplies and goods, wares, and merchandise of said traders

and said Gauthier after the year 1880, and which have not been otherwise paid for.

SEC. 2. That the said Secretary shall cause to be paid, out of the funds due to said Menominee tribe of Indians in the hands of the United States Government, such sums as he shall find to be justly due and owing from such Menominee Indians to the said Marion Wescott and F. F. Green as such licensed Indian traders, and to the said J. A. Leige as assignee of Joseph F. Gauthier, a Menominee Indian, who likewise traded with his tribe, to D. H. George, as receiver of said Wescott, Green, and Leige, duly appointed by the circuit court of Shawano County, Wis., and shall charge the same, when so paid, to such Menominee tribe of Indians in his settlements with them.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES M. DARLING.

The next business was the bill (H. R. 8631) for the relief of James M. Darling.

The Clerk read as follows:

Be it enacted, etc., That James M. Darling shall hereafter be held and considered to have been honorably discharged from the military service of the United States on July 11, 1864, as captain Company H, Fifty-seventh Pennsylvania Infantry Volunteers.

The bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

FRANK HOLWAY ATKINSON.

The next business was the bill (H. R. 16763) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson.

The Clerk read as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of Frank Holway Atkinson, in consideration of his honorable service in the Navy during the Spanish war.

MR. FOSS. Mr. Speaker, I ask that the Senate bill now on the Speaker's table be substituted for this, and that the House bill be laid upon the table.

THE SPEAKER. The gentleman from Illinois [Mr. Foss] asks unanimous consent that the Senate bill on the Speaker's table, similar to the one on the House Calendar, just read, be substituted therefor. Is there objection?

There was no objection.

MR. GARRETT. Mr. Speaker, what are the circumstances that justify this?

MR. FOSS. This is simply a waiving of the age limit in view of the meritorious services of this man in the Spanish-American war.

MR. GARRETT. Is it a unanimous report?

MR. FOSS. A unanimous report.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

THE SPEAKER. Without objection, the House bill will lie upon the table.

There was no objection.

SURG. JULIAN TAYLOR MILLER.

The next business was the bill (H. R. 18007) to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy with the rank of lieutenant (junior grade), to take rank and position at the foot of the list whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

EDGAR P. SWETT.

The next business was the bill (H. R. 16670) to indemnify Edgar P. Sweet, of Alger County, Mich., for homestead lands or granting other lands in lieu thereof.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to Edgar P. Sweet, of Alger County, Mich., 160 acres of the unreserved public land of the United States, in the State of Michigan, such as he shall select and notify to the Secretary of the Interior, in subdivisions not less than 40 acres, the same to be in lieu of land held by him but awarded by the United States General Land Office to the Cleveland Cliffs Company.

SEC. 2. That such selection shall not be made of any land lawfully held by any other person at the time of such selection as a homestead entry, or to which any other person shall have at such time any lawful claim.

SEC. 3. That immediately upon the notification to the Secretary of the Interior it shall be the duty of the Secretary of the Interior to immediately issue patent or patents, as the case may be, to said Edgar P. Sweet, for the lands so selected and notified.

SEC. 4. That this act shall take effect and be in force from and after its passage.

The following committee amendments were read:

That the Secretary of the Interior is hereby authorized and directed to issue to Edgar P. Sweet a patent for 160 acres of contiguous, non-mineral public land, subject to homestead entry, to be selected by the said Edgar P. Sweet within two years of the passage of this act, to indemnify said Sweet on account of a previous entry made by him which was held invalid.

Amend the title so as to read: "A bill to indemnify Edgar P. Sweet."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

GEORGE H. CHASE.

The next business was the bill (H. R. 14634) for the relief of George H. Chase.

The Clerk read as follows:

Be it enacted, etc., That George H. Chase, late second-class fireman, U. S. S. New York, be held and considered as one and the same person as George H. Eaton, and to have been honorably discharged from the United States service as of date of July 26, 1896.

Also the following committee amendment:

In line 6 strike out the words "honorably discharged" and insert in lieu thereof the words "granted an ordinary discharge."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

SURG. REUBEN A. CAMPBELL.

The next business was the bill (S. 369) to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy with the rank of lieutenant (junior grade), to take rank and position at the foot of the list, whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

The bill was ordered to be read a third time; was read a third time, and passed.

TINCUP, COLO.

The next business was the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to be issued to the town of Tincup, Colo., from and out of the Leadville Forest Reserve, for the west half of the southeast quarter of the southeast quarter of section 7, township 15 south, range 81 west of sixth principal meridian, for cemetery purposes, such patent to issue only after the filing of due proof with the Land Department of the incorporation of said town; and said patent to contain a clause that in case the land, or any portion thereof, shall be devoted to other than cemetery uses, the land shall thereupon revert to the United States.

Also the following committee amendment:

Strike out lines 11, 12, 13, and 14, except the three first words in line 11, and substitute therefor the following: "and the payment of the sum of \$1.25 per acre as purchase price therefor."

The bill as amended was ordered to be read a third time; was read a third time, and passed.

FLAGSHIP NIAGARA.

The next business was the bill (H. R. 13669) to provide for raising Commodore Perry's flagship *Niagara*.

The Clerk read as follows:

Be it enacted, etc., That for the expense of digging out and raising the bulk of Commodore Perry's flagship *Niagara*, and removing it to public grounds within the limits of the city of Erie, and erecting a suitable building in which it may be deposited and kept on free exhibition to the public there is hereby appropriated the sum of \$20,000, or so much thereof as may be required, out of any money in the Treasury of the United States not otherwise appropriated; said flagship to be raised and placed in a building to be erected on the grounds of the Pennsylvania Soldiers and Sailors' Home, and all said work of raising and housing the vessel and payment therefor to be performed under specifications and directions approved by the Secretary of the Navy; and the trustees of the said Soldiers and Sailors' Home are hereby made custodians of said flagship, conditioned that it shall be kept on free exhibition in the building aforesaid, under such rules as the Secretary of the Navy may prescribe, free from any expense to the Government of the United States.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

TOBE HOLT.

The next business was the bill (H. R. 16659) to remove the charge of desertion against Tobe Holt.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert as follows:

"That Tobe Holt, alias Lewis Holt, be held and considered to have been honorably discharged from Company K, One hundred and tenth United States Colored Infantry, on May 6, 1864."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill to correct the military record of Tobe Holt."

J. F. WISNEWSKI.

The next business was the bill (H. R. 4554) to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of absence without leave and reported desertion standing against J. F. Wisnewski, late of Company K, Second Kentucky Volunteer Infantry, on the records of the War Department, and to issue to said J. F. Wisnewski, now of Buffalo, N. Y., a certificate of honorable discharge.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That J. F. Wisnewski, late captain of Company K, Second Kentucky Infantry, be held and considered to have been honorably discharged said service on August 18, 1862, and that the Secretary of War be authorized to issue an honorable discharge in accordance with this act: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HEZEKIAH DAVIS.

The next business was the bill (S. 4197) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of giving to the widow title to pension and the arrears of pay due the soldier for his services in the Oregon Indian war of 1855 and 1856, the Secretary of the Treasury be, and he is hereby, authorized and directed to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, now on file in the office of the Auditor for the War Department, the name of Hezekiah Davis, and such entry shall show that the said Hezekiah Davis was enlisted as a private by W. H. Farrar, at The Dalles, Oreg., on the 1st day of March, 1856, and was discharged on the 19th day of May, 1856, as shown by the original roll and records on file in the office of the adjutant-general of the State of Oregon.

SEC. 2. That when the name of Hezekiah Davis has been entered on the roll of Captain Humason's company, as authorized and directed, his widow, Elizabeth C. Davis, shall be granted the pay due said soldier for his services and pension under the act of June 27, 1902, in the same manner as such claims are granted to the widows of Indian war volunteers whose names now appear on the original company rolls and records of the various Indian wars: *Provided*, That nothing in this act shall be construed as granting a pensionable status to the said Elizabeth C. Davis to date prior to the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I send to the desk for printing under the rule the conference report on the bill (H. R. 17345) creating a United States court for China, and prescribing the jurisdiction thereof.

The SPEAKER. The report will be printed under the rule.

JAMES DEVLIN.

The next business was the bill (H. R. 20220) to correct the military record of James Devlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge in lieu of the discharge heretofore granted to James Devlin, of the county of Kings, State of New York, late a hospital steward in the United States Army: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs be relieved from the consideration of the bill S. 6492, and that it be put on its passage.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the similar Senate bill, and that the same be substituted for the House bill. Is there objection?

There was no objection.

The Senate bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, the House bill will lie on the table.

There was no objection.

PELEG T. GRIFFITH.

The next business was the bill (S. 1166) to correct the military record of Peleg T. Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of absence without leave from the military record of Peleg T. Griffith, late captain Company F, One hundred and seventh United States Colored Troops, and that an honorable discharge be granted the said Peleg T. Griffith: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The bill was ordered to a third reading, read the third time, and passed.

THOMAS F. CALLAN.

The next business was the bill (S. 5028) to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Thomas F. Callan, alias Thomas Cowan, late of Company I, Second United States Infantry, to amend his military record accordingly, and to grant said Thomas F. Callan an honorable discharge as of date of August 28, 1864: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The bill was ordered to a third reading, read the third time, and passed.

HELEN G. HIBBARD.

The next business was the bill (S. 6268) granting a pension to Helen G. Hibbard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen G. Hibbard, widow of James M. Edminster, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to a third reading, read the third time, and passed.

WILLIAM C. LONG.

The next business was the bill (S. 6301) granting an increase of pension to William C. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Long, late of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

EDWARD S. BRAGG.

The next business was the bill (S. 6365) granting a pension to Edward S. Bragg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward S. Bragg, late brigadier-general, United States Volunteers, and pay him a pension at the rate of \$50 per month.

The bill was ordered to a third reading, read the third time, and passed.

JAMES W. WATSON.

The next business was the bill (S. 1291) for the relief of James W. Watson.

The bill was read, as follows:

Be it enacted, etc., That the balance due from the Merchants' National Bank of Helena, Mont., to James W. Watson, amounting to \$13,113.69 be, and the same is hereby, allowed by the Office of Indian Affairs and the accounting officers of the Treasury Department, and said accounts of James W. Watson, late acting United States Indian agent, Crow Agency, Mont., be credited therewith, allowing him to be fully discharged from any further liability therefor.

SEC. 2. That the said James W. Watson, after the balance of his accounts shall have been passed upon by the court before which they are now pending, be authorized and allowed to submit the same to the Office of Indian Affairs, for the purpose of correcting his record at that Office.

SEC. 3. That the said Watson be, and he is hereby, authorized and empowered to show before the court the expenditure of said moneys charged against him under the act of July 4, 1884, and other acts or parts of acts, by supplemental vouchers, or facts, or other testimony, which evidence shall be accepted by the court, such as showing to the satisfaction of the court the expenditure of said sum so charged back for the uses, purposes, benefit, and good of said agency and the Indians thereof.

SEC. 4. That this act shall take effect and be in full force and effect from and after its passage and approval.

The bill was ordered to a third reading, read the third time, and passed.

CHARLES W. HELD.

The next business was the bill (H. R. 18380) to complete the naval record of Charles W. Held.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby directed to so amend the naval record of Charles W. Held, late landsman, United States Navy, on United States receiving ship North Carolina

and United States ships St. Louis and Canonicus, as to show him honorably discharged, to date from June 30, 1865.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ANN THOMPSON.

The next business was the bill (S. 4899) granting an increase of pension to Ann Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Thompson, widow of Samuel Thompson, late of Captains Evans and Alken's companies, New Hampshire Militia, war of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

ABEL W. PAYNE.

The next business was the bill (H. R. 7235) granting an increase of pension to Abel W. Payne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abel W. Payne, late of Company L, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

JACOB KINKERLY.

The next business was the bill (H. R. 19611) granting an increase of pension to Jacob Kinkery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Kinkery, late of Company A, Twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

With the following amendment:

Strike out "forty" and insert "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

JOHN M'DONOUGH.

The next business was the bill (S. 6381) granting an increase of pension to John McDonough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McDonough, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

THOMAS H. KENT.

Mr. SHERMAN. Mr. Speaker, I think the Clerk inadvertently passed Calendar No. 3784, on page 35 of the Calendar, the bill (H. R. 8325) for the relief of Thomas H. Kent.

The SPEAKER. That is the bill sending the matter to the Court of Claims?

Mr. SHERMAN. Yes.

The SPEAKER. That was excepted from the order.

CORNELIUS O'CALLAGHAN.

The next business was the bill (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion against Cornelius O'Callaghan, late of U. S. S. Minnesota, and issue to him an honorable discharge from the Navy of the United States.

The following amendment recommended by the committee was read:

Strike out "an honorable" and insert "a."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

LAKE SCHUTTE CEMETERY CORPORATION.

The next business was the bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it.

The bill was read, as follows:

Be it enacted, etc., That the Lake Schutte Cemetery Corporation, of Dunseith, N. Dak., be, and the same is hereby, authorized and empowered to sell and convey in fee simple all or any part of the south half

of the northwest quarter of section 30, township 162 north, range 72 west, in the State of North Dakota, and that the person or persons to whom the same shall be conveyed shall take and hold the lands so conveyed free and clear of any limitation placed on the use thereof by the act under which said lands were granted to said corporation.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

STEAM YACHT WATURUS.

Mr. SHERMAN. I move to transfer the bill (S. 6004) to provide an American register for the steam yacht *Waturus* from the House Calendar to the Private Calendar.

The motion was agreed to.

The next business was the bill (S. 6004) to provide American register for the steam yacht *Waturus*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steam yacht *Waturus* to be registered as a vessel of the United States: *Provided,* That said vessel shall not at any time hereafter engage in the coasting trade under penalty of forfeiture.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNUAL REPORT OF THE PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith the Annual Report of the Philippine Commission for the year 1905. The recommendations set forth in the accompanying letter of the Secretary of War have my cordial approval.

THEODORE ROOSEVELT.

THE WHITE HOUSE, June 28, 1905.

The message and accompanying documents was ordered to be printed and referred to the Committee on Insular Affairs.

BRIDGE ACROSS THE WABASH RIVER.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20451) to authorize William C. Brown, Charles E. Schaff, Hadley Baldwin, William M. Duane, and John Q. Van Winkle to construct a bridge across the Wabash River.

The Clerk read the bill, as follows:

Be it enacted, etc., That William C. Brown, Charles E. Schaff, Hadley Baldwin, William M. Duane, and John Q. Van Winkle, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Wabash River, southeasterly and near the city of Mount Carmel, Wabash County, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. OVERSTREET. Mr. Speaker, I have an amendment which I am directed by the committee to offer.

The Clerk read as follows:

In line 4, after the word "Van Winkle," insert the following words: "and such other persons as they associate with themselves."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. OVERSTREET, the title was amended.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I have three Senate pension bills, and I ask unanimous consent that the Committee on Invalid Pensions may be discharged from the further consideration of the same, and that the bills be considered at this time.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

GEORGE B. BARNES.

The Clerk read the bill (S. 4185) granting an increase of pension to George B. Barnes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Barnes, late of Company F, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be read a third time, was read the third time, and passed.

FRANCIS D. GARNSEY.

The Clerk read the bill (S. 6359) granting an increase of pension to Francis D. Garnsey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis D. Garnsey, late of Company C, Ninety-fifth Regiment Illinois Volunteer

Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be read a third time; was read a third time, and passed.

ELLA E. KENNEY.

The Clerk read the next bill, S. 6471, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella E. Kenney, widow of Gilbert A. Kenney, late of Company K, Tenth Regiment Rhode Island Volunteer Infantry, and Company C, Second Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be read a third time; was read a third time, and passed.

BRIDGE ACROSS CONTROLLER BAY, ALASKA.

The SPEAKER laid before the House the bill (S. 6522) to authorize the Alaska Pacific and Terminal Company to construct a railroad trestle across tide and shore land in Controller Bay, in the Territory of Alaska.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Alaska Pacific Railway and Terminal Company, a corporation organized under the laws of the State of Washington, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad trestle and approaches thereto across the tide and shore lands in Controller Bay from the mainland to Whale Island, in the Territory of Alaska, the mainland terminus and approaches of said railroad trestle to be located at or near a point 600 feet east of the southeast corner of United States survey No. 572, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to have some explanation of this bill.

The SPEAKER. The bill is in charge of the gentleman from Arkansas [Mr. BRUNDIDGE], who does not seem to be present in the Chamber.

Mr. GAINES of Tennessee. If he brings it up, Mr. Speaker, I have no objection to it.

The bill was ordered to be read a third time; was read the third time, and passed.

RIGHT OF ENTRY UNDER DESERT LAND LAW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20019) restricting the right of entry under the desert-land law to surveyed public land and limiting the right of assignment of such entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the right to make entry of desert lands under the provisions of the acts approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of unsurveyed lands shall be allowed or made of record: *Provided, however,* That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area 320 acres in compact form, and has reclaimed, or has in good faith commenced the work of reclaiming same, and has marked upon the ground the exterior boundaries of such tract, shall have the preference right to make entry of such tract under said acts within ninety days after the filing of the approved plat of survey in the district land office.

SEC. 2. That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be himself or herself qualified to make entry under said acts of the land covered by the assigned entry; and no assignment to any incorporation or association shall be authorized or recognized.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this relates to desert lands entry, and there has been a great deal said at different times about that law.

Mr. MONDELL. Mr. Speaker, this bill is intended to correct or modify some provisions of the desert-land act and meet some criticisms which have been made. It limits entries to surveyed lands for one thing, and provides that no assignment may be made except to an individual who is a qualified entry man. It is approved by the Department and is in the nature of an improvement of the act and the limitation of it.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

PETRIFIED FOREST NATIONAL PARK.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8966) to set apart certain lands in the Territory of Arizona as a public park, to be known as "The Petrified Forest National Park," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public reservation, all those certain tracts, pieces, or parcels of land lying and being situated in the Territory of Arizona and particularly described as follows:

Townships 16 and 17 north, ranges 23 and 24 east, Gila and Salt River meridian, Arizona.

SEC. 2. That said public park shall be known as the The Petrified Forest National Park, and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specially for the preservation from injury or spoliation of the mineralized or fossilized formations or deposits, natural curiosities, and wonders within said park.

SEC. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, pieces or parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

SEC. 4. That all funds arising from the privileges granted hereunder shall be covered into the Treasury of the United States as a special fund, to be expended in the care of said park.

SEC. 5. That all persons who shall unlawfully intrude upon said park, or who shall, without permission, appropriate, injure, or destroy any of the mineralized or fossilized formations or deposits found therein, or other natural wonders or curiosities therein, or commit unauthorized waste in any form upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in the sum of not more than \$5,000, or be imprisoned for a period of not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 6. That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of said park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of surveyed, vacant, nonmineral land open to settlement in the Territory of Arizona, not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing patent to cover the tracts selected: *Provided,* That in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

With the following committee amendment:

Strike out the words "Townships 16 and 17 north, ranges 23 and 24 east," in lines 8 and 9 on page 1, and insert in lieu thereof the following:

"Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 in township 17 north, range 2 east; also sections 4, 5, 6, 7, 8, and 9 in township 16 north, range 24 east; also sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18 in township 16 north, range 23 east, and sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 in township 17 north, range 23 east."

The SPEAKER pro tempore (Mr. BOUTELL). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I ask the gentleman from Iowa [Mr. LACEY] to yield to me.

Mr. LACEY. Mr. Speaker, I yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, when the gentleman from Pennsylvania [Mr. DALZELL] reported the special rule this morning to take up for immediate consideration certain private bills I desired time to speak in opposition to the adoption of the rule. I wanted to be heard then, not so much because I was opposed to its private bills, but because I was more interested in passing some public bills, but the gentlemen controlling the time declined to yield to me and hence I had to bide my time to say what I desired to say.

So, sir, I take advantage of this interval to express now what I wanted to speak about then, and that is, that, in my judgment, it would have been better for the people of the country generally, especially the toilers, if the Committee on Rules had brought in this morning a special rule to take up for consideration a few public bills—measures of much moment, of great merit, and affecting all the people of the land. Many of these public bills have been pending in this House since the beginning of this session, and several of them have been pending in Congress for the past dozen years. They are of more importance to the producers and toilers of our country than any other legislation which we can consider now, or which we have considered heretofore, important as some of it has been.

Let me say that I have no objection to the consideration of these private bills; perhaps many of them are good bills and ought to be passed, but they affect only a single person, or, at most, a few individuals, and they could have been considered at any time for the past month. Now, in the closing days of the session, a special rule is brought in to put them all through in a batch—in a few hours—so that Members will not be able to understand them and distinguish the good ones from the bad ones. I am opposed to these special rules to put through private bills, good, bad, and indifferent, by the wholesale.

But if a special rule was to be brought in at all to consider

pending bills and measures, it should be a rule to consider some of the bills that the people generally are in favor of and want to see enacted into law—legislation of vital importance, of far-reaching effect, and concerning the welfare of the producing masses of our country.

The bills that I seek to have called up, considered, and passed are bills which affect millions and millions of people throughout the length and breadth of the land. They are public bills, measures in the interest of the many, bills that I favor, and that every friend of humanity favors, and which are demanded by the working people in every State and the toilers from one end of the country to the other.

A SAD COMMENTARY.

It is a sad commentary on legislation to-day in Congress that the bills in the interest of the few are always taken up and considered and put through and become laws, while the bills in the interest of the many, the bills for the working people, the bills for organized labor, the bills for the toilers and the producers of our country, the bills for the people who earn their bread in the sweat of their brow, are quietly smothered in committees or delayed and put off until it is too late in the session to pass them. It is the old, old story of everything for the few and nothing for the many; everything for the rich and nothing for the poor. It is about time organized labor awoke to the necessity of looking after its own interests in legislative halls, by going into politics, and enforcing its demands for popular legislation at the ballot box. As a friend of organized labor, my advice is organize, agitate, and put none but friends guard.

In the words of Wendell Phillips:

I rejoice at every effort workmen make to organize. I stand in the presence of a momentous power. If I have 100,000 men represented before me who are in earnest, who get hold of the great question of labor and, having hold of it, grapple with it, rip it open, invest it with light, gathering the facts, piercing the brains about them, and crowding those brains with facts, then I know, sure as fate, though I may not live to see it, that they will certainly conquer this nation in twenty years. That is your power, gentlemen. If you do your duty, and by that I mean standing together and being true to one another, you will decide all elections.

IMPORTANT LEGISLATION NEGLECTED.

Now, gentlemen, among the popular measures I desire to call to the attention of the House, some of which are sleeping on the Calendars, but most of which have been throttled in the Republican committees, are the following:

1. The anti-injunction bill—smothered in the Judiciary Committee.
2. The eight-hour bill—reported the day before yesterday from the Committee on Labor, although it was ordered to be reported over a month ago.
3. The election of Senators in Congress by the direct vote of the people—smothered in the committee.
4. The publicity of campaign expenses bill—recently reported to the House.
5. The letter carriers' bill—throttled in the committee.
6. The bill to regulate the hours of railway trainmen—dead in the committee.
7. The bill for the relief of the *Slocum* survivors—strangled in the committee.
8. The bill to prevent convict-made goods from competing with the goods manufactured by honest labor—sleeping in the committee.
9. The bill of the Civil Service Retirement Association to provide a pension fund out of their own salaries—pigeonholed in the committee.
10. The bill granting just rights to the sailors of the country—asleep in committee.
11. The bills to provide for greater safety on inland navigation and to prevent a repetition of terrible catastrophes like the *Slocum* disaster—strangled in committee.

And there are others of almost as much importance, but I am sorry to say because these bills are opposed by great corporate and financial interests it is absolutely impossible, apparently, to get them considered in this House—to have them brought to a vote so that the Members will be compelled to go on record and vote for them or vote against them. Such is the Republican policy—secretly opposed to granting labor's demands, but lacking the courage to say so honestly and do so openly.

These bills, sir, are all of great public moment. They affect the people of the entire country, and it is a shame and a disgrace that those who have introduced them, that those who favor them, that those who have been advocating them day in and day out from the beginning of this session down to the present time can not get them reported from the committee; or,

if by any chance they are reported from the Committee, can not get them considered in this House.

The working people of the country understand the situation at Washington. They know the men and the political party responsible for the defeat, year in and year out, of the legislation so devoutly wished for by the toilers of the land, and I predict that in the coming campaign the working people will have something to say, and those who have been instrumental in defeating these bills will be held responsible by the voters who demand the enactment of this beneficial legislation.

THE "ANTI-INJUNCTION" BILL.

Mr. Speaker, in the time at my disposal it is impossible for me to discuss the merits of the various measures I have enumerated. I shall, however, touch briefly on a few of them. Among them I want to discuss for a few moments the so-called "anti-injunction bill." That bill has been pending in the Committee on the Judiciary ever since the beginning of this session of Congress. A great many hearings have been held, and it has been hopefully expected by the friends of the measure that it would be reported favorably and passed before we adjourned. At the last moment, however, what did the Committee on the Judiciary do? Report the bill? Not at all. By a party vote it referred the bill to a select committee of three to consider it hereafter, and hereafter, my friends, is a long, long time. [Applause on the Democratic side.]

I am in favor of this anti-injunction bill, and in every Congress since I have been in Washington I have introduced a bill to do away with the glaring evils desired to be abolished, and have advocated the measure week in and week out, only to have it smothered by the Republicans in the Committee on the Judiciary.

This year a determined effort was made by the friends of this reform to secure proper legislation, and the labor organizations of the entire country agreed upon a bill which, to my mind, is a fair and just bill in every way, and to all interests concerned. I dropped my own bill and took up the bill requested by organized labor, and every friend of the toilers of the country believed that at last we were to have some legislation on this very important question, one of the most important questions, in my opinion, of the day.

OPPOSED TO BLANKET INJUNCTIONS.

Mr. Speaker, I am opposed to the abuse of the writ of injunction—a writ only intended for the protection of property rights, but which has been perverted through the interpretation of some of the Federal judges into an instrument of oppression and for the destruction of personal liberty, especially in disputes between labor and capital, and during strikes between employers and employees. I am opposed to these far-reaching blanket injunctions in labor disputes against John Doe and Richard Roe, covering a multitude of persons, many of whom know nothing about the contents of the restraining order and have never been served with the writ. Mr. Samuel Gompers, president of the American Federation of Labor, concentrated into two sentences a clear description of both the motive behind, and the evil wrought by, these judicial usurpations, when he said:

That there is a legal remedy for some of the things which an injunction can enjoin, goes without saying; but it is the purpose of the opponents of our legislation on this subject to get rid of the trial by jury in the regular process of the law. Their purpose is to make the judge who issues the injunction the judge, the jury, and executioner, and, indeed, to take away from the workmen enjoined the constitutional right of being tried before a jury of their peers for any crime or offense with which they may be charged.

If some of the Federal judges go on with their extension of the powers of government by injunction those who run can see the beginning of the end of personal liberty in America. I have not the time to cite cases; I have not the time to read decisions; but if I did, I think I could convince every disinterested Member of this House that the writ of injunction has been greatly abused by certain Federal judges in recent disputes between labor and capital. I am with labor in this struggle, and I believe that Abraham Lincoln summed up the equities in the conflict when he said:

Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration.

I agree with the great emancipator, and I declare that the courts must not curtail the rights of labor by the extension of the writ of injunction.

As Mr. Justice Bradley said in *Boyd v. United States* (116 U. S., 659):

It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.

Sir, I say, tyranny on the bench is as objectionable as tyranny on the throne. [Applause.] To enjoin people from as-

sembling peaceably to discuss their grievances is a violation of constitutional rights; to restrain members of labor organizations who are struggling to secure better conditions from talking to each other, or peaceably meeting on the street is judicial usurpation. Such an abusive use of the restraining power of the Federal courts endangers, not only the right of trial by jury, but the right of constitutional liberty, and if Congress does not promptly put an end to it by defining and limiting the power of the Federal courts in the use of the writ of injunction, our boasted constitutional freedom will ere long degenerate into a farce. [Applause.]

In recent years some of the Federal courts have gone far beyond the limits intended by the framers of the Government in granting these blanket injunctions against entire communities. I am opposed now, always have been, and always will be, to government by injunction, and I declare that the time is at hand when Congress must take action in regard to the matter, or our liberties will be destroyed. [Applause.]

As that able thinker, distinguished writer, and profound lawyer, Mr. T. Carl Spelling has most truly said:

Rome changed from a republic to an empire by abuse on the part of the tribunes of power to enjoin. First, they used it to forbid, next to command; then came the emperor. The next use of the power may be to forbid competition. The doctrine that a right to do business is property is dangerous. The Roman tribunes of course abused this power as all unusual and inordinate power will be abused; and the people, unable to return to former conditions because the Roman employers' associations opposed and exerted an undue influence in the Roman senate, cried out *ave imperator*.

EX-SENATOR TURNER ON THE POWER TO ENJOIN.

In this connection, sir, I desire to quote what Hon. George Turner, a former Senator from the State of Washington, recently said in regard to the abuse of this power to enjoin.

It is beyond the power of the courts to attempt to enjoin strikes or to control labor organizations in their efforts to make labor strikes effective, so long as such efforts do not go to the destruction or injury of property. Men must have liberty in this country to work or not as they please and to use lawful means to induce others to refrain from working if it is to their interest to do so. This liberty is a matter of constitutional right and can not lawfully be interfered with by any form of legal procedure. An employer has no property or property right in the labor which he employs, and he has no right to come into a court of equity to invoke its jurisdiction simply because he has been deprived of such labor through the efforts of third persons.

Undoubtedly if those efforts are unlawful and result in injury, the injured party may have damages in a civil action, but equity does not interfere in a case where the common law gives a remedy in damages. Equity only interferes where, by the course of its established procedure, it is proper for it to interfere, and it has been established by the wisdom of the great men who have presided in courts of equity since their foundation that it is not proper to interfere with the personal conduct of individuals except where that conduct affects property or property rights.

These principles are laid down in the text-books and are illustrated by the decisions of the courts. The cases of *In re Sawyer* (124 U. S. 200) and *Northern Pacific Railroad v. Whalen* (149 U. S. 157) well illustrate them. In *re Debs* (158 U. S. 564) does not depart from those principles. In that case there was actual interference with physical property, actual injury and destruction of property, which property constituted an interstate highway, thus constituting a nuisance which the United States, as the sovereign, had the right, under a well-recognized head of equity, to apply to the courts to abate and enjoin.

There is no denying, however, that a number of the inferior courts of the United States have departed from these principles in dealing with labor troubles, and in doing so have set some bad precedents. Their action is an illustration of the old adage that "hard cases make bad law," and is a strong argument against any legislation which might be construed as a recognition of such a practice.

Mr. Speaker, I think Senator Turner has summed up the whole matter in a nutshell, and he has done it very much better than I could possibly do it. I am opposed, in these labor disputes, to making the courts the judge, the jury, and the executioner. I am opposed to the courts legislating, adjudicating, and executing. It is contrary to our theory of government; and I believe that this Republican Congress will be recreant to its duty if it does not pass at this session some legislation to prevent the further abuse of the writ of injunction. The Republicans in Congress can not escape their responsibility for the defeat of this anti-injunction bill so earnestly pleaded for by the toilers of the country and by every friend of organized labor. I dare the Republicans in this House to give us a chance to vote on the bill before we adjourn. [Applause on the Democratic side.]

THE "EIGHT-HOUR BILL."

Now, Mr. Speaker, another bill I want to call to the attention of the House is the so-called "eight-hour bill." This eight-hour measure has been pending in Congress ever since I came here. I have introduced it myself session after session. I have been before the committee time and time again and argued in favor of it. Sometimes it has been reported. Once or twice it has passed the House, only to be killed in the Senate, and the truth is, to my personal knowledge, the Republicans in Congress have been fooling the workmen of the country regarding this measure for the past dozen years, and intend to keep on fooling them.

I am a friend of the toilers of the country, and I want to tell them very frankly that organized capital is against organized labor in this struggle for an eight-hour law, and that while the Republicans control Congress organized capital's voice will always be more potent in shaping legislation than the humble cry of the toiler, the feeble efforts of the wage-earner, and the modest appeals of the producer.

No measure in recent years has been so stubbornly resisted by organized greed as the heroic efforts of organized labor to place upon the statute books of the country this humane bill making eight hours a legal day's work. Over a month ago the minority of the Committee on Labor stole a march on the majority of the committee and ordered a favorable report of this bill, but the chairman of the committee neglected to make the report in accordance with the instructions of a majority of a quorum of the Committee on Labor until the day before yesterday. Then the gentleman from New Jersey [Mr. GARDNER], the chairman of the Committee on Labor, reluctantly filed a report, knowing that it would be too late for the bill to pass the House this session and become a law. He held back the report in violation of every rule and every precedent until a couple of days before the time he knew the Congress was going to adjourn. Did he do this on his own responsibility, or was he told to do it? If he was told to do it, who told him? Let us have the facts regarding this betrayal of labor. [Applause.]

If the Republicans in this House—the men, I mean, who rule the destiny of the House and who control legislation in this House—wanted to do something for all the people, something in the interest of the wage-earners and for organized labor, why did they not bring up this eight-hour bill to-day and give us a chance to vote on it, or bring in a special rule to have it considered, as they did in regard to these other petty little private bills? That is the question the Republicans will be asked to explain in the coming campaign by the voters who want something done for all the people.

This eight-hour bill is demanded by every labor organization in the country, and, take it all in all, it is the one measure they are more interested in passing than any other single act of legislation they are contending for at the present time; and it is a very simple and a very harmless measure after all. If it were a law it would do no injury to any employer of labor, but, on the contrary, in my opinion, it would be for the best interest of both capital and labor.

I am in favor of making eight hours a legal day's work on all Government work. In my judgment, no man in this country ought to be compelled to work more than eight hours a day. That is long enough. I believe if this bill becomes a law it will do more to benefit the workers and the toiling masses of the country than any other thing we can do for them at this time by way of legislation.

THE EIGHT-HOUR WORKDAY A BOON TO ALL.

Mr. Speaker, I want to say that I am a friend of the wage-earner. I want to see, and I hope the day is not far distant when we all shall see the eight-hour workday the law all over the land and rigidly enforced in every State, every city, every town, and every village in the country. I believe it will be beneficial to the laborer, advantageous to the community in which he lives, and for the best interests of the Government. Too long hours make the wage-earner a poor workman. Shorter hours, in my opinion, will produce better results all around and for all interests concerned. Every writer on political economy confirms this conclusion, and so great an authority as John Stuart Mill lays it down as a fundamental principle that any scheme for the amelioration of the social condition of the wage-earner which does not proceed on this proposition as its foundation is for all permanent purposes a delusion and a snare.

I am now, always have been, and always will be an advocate of shorter hours for a legal working day. The history of the past teaches us that every reduction in the hours constituting a day's work has resulted beneficially. We have gone on steadily, step by step, shortening the hours of labor and toil from sixteen hours to fourteen hours a day, from fourteen hours to twelve hours a day, from twelve to eleven hours, from eleven to ten hours, from ten to nine hours, and now we should go from nine to eight hours a day, and in every instance it has been for the better. Statistics conclusively prove that every decrease in the number of hours constituting a legal workday has been for the advancement of the toilers and the progress of the masses.

These reductions in the hours of labor have decreased intemperance, increased knowledge, made better homes, happier and better-clothed wives and children, brighter and more prosperous firesides, and in every way benefited the social relations, promoted happiness and contentment, and improved the moral, economical, and financial condition of the laboring and producing masses of our land. [Applause.]

REPUBLICANS RESPONSIBLE FOR DEFEAT OF EIGHT-HOUR BILL.

I charge the Republicans in Congress with being responsible for the defeat of the eight-hour bill for the past ten years. They can not deny it. The Republican party can not escape the responsibility for the continued smothering of this measure in Congress year in and year out.

If the Republicans are honest and sincere in what they say to the working people on the stump, I challenge them here and now to bring up the eight-hour bill and give the Members of the House an opportunity to vote for it. Let those who are in favor of it vote for it, and those who are opposed to it vote against it. Let us have a record vote on the measure. The Republican leaders who have charge of the legislation of the House can give us an opportunity to vote on the bill now if they want to do it. If the Republicans refuse to accept the challenge, they must take the blame for the defeat again of the commendable eight-hour bill. [Applause.]

ELECTION OF SENATORS BY DIRECT VOTE.

Now, Mr. Speaker, let me say, in the brief time at my command, a few words in favor of another measure that organized labor demands and which the people throughout the country generally favor, and that is my joint resolution to amend the Constitution so that Senators in Congress shall be elected by a direct vote of the people. This is a very important measure and it should have been reported and passed long ago. The people of this country, in my opinion, will never secure the reforms they desire until they control directly the election of United States Senators.

Ever since I have given attention to this question of the election of United States Senators I have been of the opinion that the best interests of the States, and of all the people generally, will be conserved by the election of United States Senators directly by the people at a general election. The more I have studied the question the more confirmed is my conviction that the Federal Constitution should be amended so that the people shall directly, and in the first instance, elect their United States Senators.

Long before I came to Congress I favored this change in our fundamental law, and one of the first things I did when I was sworn in as a Member of the Fifty-fourth Congress was to introduce a joint resolution to amend the Constitution so that United States Senators should be elected by the people and not by the legislatures of our respective States, and I have introduced the same resolution at the beginning of every Congress ever since that time, and, I might add, with the same result—the Republicans killed it.

I am a Democrat of the Jefferson school. I trust the people, and I believe in the people. I believe with him that governments derive their just powers from the consent of the governed. In this matter of the election of United States Senators, I want to restore to the people the right now delegated to the legislatures by the framers of the Constitution, so that the Senate, as well as this House, will be directly responsible to the people, and the Government become more and more a pure democracy, where brains, fitness, honesty, ability, experience, and capacity, and not wealth alone, shall be the true qualifications for the upper branch of the Federal Legislature.

In my judgment the people can and ought to be trusted. If the people can not be trusted, then free government is a failure, and our institutions are doomed.

There can be no doubt that the sentiment in favor of this change is increasing every year, and that a majority of the people now demand the right to vote directly for the election of United States Senators, and the demand of the people for this reform is growing more popular every year, and it is destined to come, in my judgment, in the very near future.

I am opposed to delegating away the rights of the people, and where they have been delegated away I would restore them to the people. For one hundred years and more this distrust of the people by some of the founders of the Republic as embodied in our Federal Constitution has stood as fixed and immutable as the laws of the Medes and the Persians. It is time to destroy this distrust and get back to first principles.

I am a friend of the Constitution and share in the patriotic sentiment which is prompt to challenge almost every proposition to amend it. But, sir, I sincerely believe the man who would boldly point out the defects in our great Magna Charta and honestly seek to remedy them is a better friend of the Constitution than he who will not see its faults, or, seeing them, endeavors to justify them from motives of mistaken zeal. [Applause.]

The election of United States Senators by a direct vote of the people is a step in advance and in the right direction. I hope it will speedily be brought about. It is the right kind of reform, and I hope will be succeeded by others until this

Government becomes indeed the greatest, the best, and the freest Government the world has ever seen, where the will of the people shall be the supreme law of the land.

I challenge the Republicans here and now to pass this resolution to elect United States Senators by a direct vote of the people.

THE LETTER CARRIERS' BILL.

Mr. Speaker, I see that my time is getting short, and I will hurry along. Another bill I desire to call to the attention of the House is the letter carriers' bill. This bill is desired by every letter carrier in the land as a matter of right and of justice, and it is indorsed by every labor organization throughout the country. It is essentially a labor bill, in the interest of the hardest-worked and poorest-paid employees of the Federal Government. Why don't the Republicans bring in a special rule to pass the letter carriers' bill? If this House were allowed to vote on it, I undertake to say, and I know whereof I speak, that the bill would pass by an overwhelming majority. I challenge the Republican leaders in this House to give us a chance now to vote on this bill.

I am proud to say that I introduced the letter carriers' bill in this House at the beginning of this Congress. I have introduced the same bill in every Congress for the past ten years, but it never gets out of the committee of the gentleman from Indiana [Mr. OVERSTREET]. It is there now. It is sleeping in that committee, and it will never wake up—never come out. I am satisfied the Republicans on the Post-Office Committee will never report it favorably.

A FRIEND OF THE LETTER CARRIERS.

This measure to pay the letter carriers living wages is a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the Members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility. We want to find out who are the friends and who are the enemies of the letter carriers. I am now, always have been, and always will be a friend of the letter carriers. I am proud to say that. They are my friends and I am their friend. The Government in all its service has no more honest, no more tireless, no more faithful employees. Their claims are just and should be recognized, and, take my word for it, sooner or later they will be recognized and granted.

The letter carriers and the post-office clerks, and all other persons whose salaries are fixed, do not get any benefit from the Dingley high-tariff law; for nearly all the necessities of life they have to buy now they have to pay about 30 per cent more by reason of this Republican tariff law than they did ten years ago, and their salaries remain the same.

These letter carriers are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day in and day out—in sunshine and in storm, in winter and in summer, in all kinds of weather—long, long weary hours, and taking all other employees in the various Departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration.

I plead to-day, as I have pleaded in the past, for justice for the deserving letter carriers. Their request for living wages is the demand of humanity. My heart goes out to them. I can not refrain from making this appeal in their behalf for simple justice. How I wish it were in my power to aid them, to pass and enact into law this bill they all want, they all pray for; this bill that is so fair and so just, that appeals to every right-thinking citizen in all the land, and that challenges adverse criticism. How much time and money we waste here for useless and worthless things. It is terrible when one soberly considers it all—and then, again, so much for the few, so little for the many. How easy for the monopolies and the powerful to pass a bill—a bad bill—and how difficult for the poor and the weak, the many, to pass a bill—a good bill. [Applause.]

How poorly, how miserably the letter carriers are paid! And yet, take them all in all, they are courteous, long suffering, uncomplaining, honest, assiduous, and industrious. How few of our citizens ever think of their trials, their wants, their health, and their families and little ones at home. Under the present law they do not, and can not, earn enough, no matter how long they have been in the service of the Government or how many hours a day they labor, to keep body and soul together. And what do they get? A mere pittance a month that is not enough to economically support one man. It is a disgrace, a crying shame. Many of these letter carriers have wives and children—little homes—and these wives and children in many cases are to-day in want.

The head of the household does not get paid enough by the Government to live halfway decently. But it is not the Gov-

ernment's fault, it is the fault of the Republican leaders here in Congress. I want to appeal to the Republicans of this House, in the name of justice and fair play, in the name of decency, that when they are doing so much for organized capital, so much for criminal syndicates, so much for monopolies, for God's sake to do something for the poor letter carriers. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

THE BILL FOR THE RELIEF OF THE SLOCUM SURVIVORS.

Mr. SULZER. Mr. Speaker, I regret my time has expired. I wanted again to call attention to my bill for the relief of the *Slocum* survivors—beaten by the Republicans in the Committee on Claims; and to the civil-service retirement bill—insulted and kicked to death in the committee by the Republicans; but I will speak about these other bills at some other time. However, before I take my seat, I ask unanimous consent to extend my remarks by taking in as part of my speech a letter recently sent out by Hon. Samuel Gompers, president of the American Federation of Labor, asking that this session of Congress give some heed to the legislation I have enumerated and to report it favorably or unfavorably from the committees, so that the House of Representatives could have an opportunity to vote one way or the other on the respective bills. He asked for bread in the name of the toilers of the land, and the Republicans have given him a stone in the name of the organized capital and greed of the country. [Long applause on the Democratic side.]

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MR. GOMPERS'S LETTER.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 7, 1906.

To all trade unionists of America:

DEAR SIR: The bill of grievances printed below, formulated and adopted by the executive council of the American Federation of Labor, is expressive of the decision which organized labor of America has made manifest in its various conventions and union meetings. The presidents of all affiliated international unions were invited to meet the executive council at the headquarters of the American Federation of Labor March 21, 1906, and participate in a conference concerning matters affecting labor's interests Congressionally and administratively. The presidents or their duly credentialed representatives participated, and unanimously and enthusiastically indorsed and signed the document and participated with the executive council in the presentation and reading thereof.

Some garbled accounts of this matter have appeared in the press. In order that our fellow trade-unionists may be in possession of the document in its original form, and that their actions may conform thereto, this is presented to you in its entirety.

Let the inspiring watchword go forth that—

We will stand by our friends and administer a stinging rebuke to men or parties who are either indifferent, negligent, or hostile, and whenever opportunity affords to secure the election of intelligent, honest, earnest trade-unionists, with clear, unblemished, paid-up union cards in their possession.

Fraternally, yours,

SAMUEL GOMPERS,
President American Federation of Labor.
FRANK MORRISON,
Secretary American Federation of Labor.

LABOR'S GRIEVANCES.

WASHINGTON, D. C., March 21, 1906.

Hon. THEODORE ROOSEVELT,
President of the United States.

Hon. WM. P. FRYE,
President pro tempore, United States Senate.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives, United States.

GENTLEMEN: The undersigned executive council of the American Federation of Labor, and those accompanying us in the presentation of this document, submit to you the subject-matter of the grievances which the workmen of our country feel by reason of the indifferent position which the Congress of the United States has manifested toward the just, reasonable, and necessary measures which have been before it these past several years, and which particularly affect the interests of the working people, as well as by reason of the administrative acts of the executive branches of this Government and the legislation of the Congress relating to these interests. For convenience the matters of which we complain are briefly stated, and are as follows:

The law commonly known as the "eight-hour law" has been found ineffective and insufficient to accomplish the purpose of its designers and framers. Labor has, since 1894, urged the passage of a law so as to remedy the defects and for its extension to all work done for or on behalf of the Government. Our efforts have been in vain.

Without hearing of any kind granted to those who are the advocates of the eight-hour law and principle, Congress passed and the President signed an appropriation bill containing a rider nullifying the eight-hour law and principle in its application to the greatest public work ever undertaken by our Government, the construction of the Panama Canal.

The eight-hour law in terms provides that those intrusted with the supervision of Government work shall neither require nor permit any violations thereof. The law has been grievously and frequently violated; the violations have been reported to the heads of several Departments, who have refused to take the necessary steps for its enforcement.

While recognizing the necessity for the employment of inmates of our penal institutions, so that they may be self-supporting, labor has urged in vain the enactment of a law that shall safeguard it from the competition of the labor of convicts.

In the interest of all of our people, and in consonance with their almost general demand, we have urged Congress for some tangible relief from the constantly growing evil of induced and undesirable immigration, but without result.

Recognizing the danger of Chinese immigration, and responsive to the demands of the people, Congress years ago enacted an effective Chinese-exclusion law; yet, despite the experience of the people of our own country, as well as those of other countries, the present law is flagrantly violated, and now, by act of Congress, it is seriously proposed to invalidate that law and reverse the policy.

The partial relief secured by the laws of 1895 and 1898, providing that seamen shall not be compelled to endure involuntary servitude, has been seriously threatened at each succeeding Congress. The petitions to secure for the seamen equal right with all others have been denied, and a disposition shown to extend to other workmen the system of compulsory labor.

Under the guise of a bill to subsidize the shipping industry, a provision is incorporated, and has already passed the Senate, providing for a form of conscription which would make compulsory naval service a condition precedent to employment on privately owned vessels.

Having in mind the terrible and unnecessary loss of life attending the burning of the *Slocum* in the harbor of New York, the wreck of the *Rio de Janeiro* at the entrance to the bay of San Francisco, and other disasters on the waters too numerous to mention, in nearly every case the great loss of life was due to the undermanning and the unskilled manning of such vessels, we presented to Congress measures that would, if enacted, so far as human law could do, make impossible the awful loss of life. We have sought this remedy more in the interests of the traveling public than in that of the seamen, but in vain.

Having in mind the constantly increasing evil growing out of the parsimony of corporations, of towing several undermanned and unequipped vessels called "barges" on the high seas, where, in case of storm or stress, they are cut loose to drift or sink and their crews to perish, we have urged the passage of a law that shall forbid the towing of more than one such vessel unless they shall have an equipment and a crew sufficient to manage them when cut loose and sent adrift, but in vain.

The antitrust and interstate-commerce laws, enacted to protect the people against monopoly in the products of labor, and against discrimination in the transportation thereof, have been perverted, so far as the laborers are concerned, so as to invade and violate their personal liberty as guaranteed by the Constitution. Our repeated efforts to obtain redress from Congress have been in vain.

The beneficent writ of injunction intended to protect property rights has, as used in labor disputes, been perverted so as to attack and destroy personal freedom, and in a manner to hold that the employer has some property rights in the labor of the workmen. Instead of obtaining the relief which labor has sought, it is seriously threatened with statutory authority for existing judicial usurpation.

The Committee on Labor of the House of Representatives was instituted at the demand of labor to voice its sentiments, to advocate its rights, and to protect its interests. In the past two Congresses this committee has been so organized as to make ineffectual any attempt labor has made for redress. This being the fact, in the last Congress labor requested the Speaker to appoint on the Committee on Labor Members who, from their experience, knowledge, and sympathy would render in this Congress such service as the committee was originally designed to perform. Not only was labor's request ignored, but the hostile make-up of the committee was accentuated.

Recently the President issued an order forbidding any and all Government employees, upon the pain of instant dismissal from the Government service, to petition Congress for any redress of grievances or for any improvement in their condition. Thus the constitutional right of citizens to petition must be surrendered by the Government employee in order that he may obtain or retain his employment.

We present these grievances to your attention because we have long, patiently, and in vain waited for redress. There is not any matter of which we have complained but for which we have in an honorable and lawful manner submitted remedies. The remedies for these grievances proposed by labor are in line with fundamental law and with the progress and development made necessary by changed industrial conditions.

Labor brings these its grievances to your attention because you are the representatives responsible for legislation and for failure of legislation. The toilers come to you as your fellow-citizens who, by reason of their position in life, have not only with all other citizens an equal interest in our country, but the further interest of being the burden bearers, the wage-earners of America. As labor's representatives, we ask you to redress these grievances, for it is in your power so to do.

Labor now appeals to you, and we trust that it may not be in vain. But if perchance you may not heed us, we shall appeal to the conscience and the support of our fellow-citizens.

Very respectfully,

SAMUEL GOMPERS, JAMES DUNCAN, JAMES O'CONNELL, MAX MORRIS, D. A. HAYES, DANIEL J. KEEFE, WM. D. HUBER, JOSEPH F. VALENTINE, JOHN B. LENNON, FRANK MORRISON, executive council American Federation of Labor.

List of representatives of labor associated with the executive council of the American Federation of Labor in the presentation of labor's grievances, March 21, 1906:

John G. Schmidt, Bakery and Confectionery Workers International Union of America.
Rudolph Schirra, Bakery and Confectionery Workers International Union of America.
Thomas H. Lockwood, Pocket Knife Blade Grinders and Finishers National Union.
Thos. R. Keenan, Brotherhood of Boiler Makers and Iron Ship Builders of America.
Peter L. Mitchell, Brotherhood of Boiler Makers and Iron Ship Builders of America.
James F. Speirs, Brotherhood of Boiler Makers and Iron Ship Builders of America.
John R. P. Krey, Iron Molders Union of North America.
Ed. F. Weber, International Association of Glass House Employees.
Hugh Falvey, American Brotherhood of Cement Workers.
F. C. Gengenback, American Brotherhood of Cement Workers.
P. H. Malloy, American Brotherhood of Cement Workers.

J. J. Crowley, The Granite Cutters International Association of America.
 John Lyons, The Granite Cutters International Association of America.
 Frank McArdle, International Brotherhood of Foundry Employees.
 Cornelius P. Shea, International Brotherhood of Teamsters.
 Thos. C. Fox, International Brotherhood of Teamsters.
 J. E. Toone, International Brotherhood of Teamsters.
 James F. Fitzgerald, Pulp, Sulphite, and Paper Mill Workers.
 Timothy Healey, International Brotherhood of Stationary Firemen.
 N. A. James, International Brotherhood of Stationary Firemen.
 H. E. Burns, International Brotherhood of Stationary Firemen.
 F. N. Nuse, International Brotherhood of Stationary Firemen.
 Christian Schlag, International Brotherhood of Stationary Firemen.
 William McPherson, International Carriage and Wagon Workers.
 William M. Merrick, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
 Joseph H. Gallagher, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
 John R. Alpine, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
 P. H. Cummins, International Brotherhood of Blacksmiths.
 J. W. Kline, International Brotherhood of Blacksmiths.
 Charles T. Smith, International Steel and Copper Plate Printers' Union of North America.
 E. L. Jordan, International Steel and Copper Plate Printers' Union of North America.
 T. L. Mahan, International Steel and Copper Plate Printers' Union of North America.
 William Dodge, Paving Cutters' Union of the United States and Canada.
 James J. Dunn, Glass Bottle Blowers' Association of the United States and Canada.
 William Launer, Glass Bottle Blowers' Association of the United States and Canada.
 Frank Feeney, International Union of Elevator Constructors.
 Charles Hank, International Brick, Tile, and Terra Cotta Workers' Alliance.
 Henry Nolda, Upholsterers' International Union of North America.
 Charles E. Lawyer, International Tin Plate Workers' Protective Association of America.
 George Powell, International Tin Plate Workers' Protective Association of America.
 W. J. McSorley, International Union of Wood, Wire, and Metal Lathers.
 R. V. Brandt, International Union of Wood, Wire, and Metal Lathers.
 W. S. Crown, American Federation of Musicians.
 C. P. Huestis, American Federation of Musicians.
 Charles Derlin, American Federation of Musicians.
 Thomas F. Ryan, Amalgamated Sheet Metal Workers' International Alliance.
 Daniel L. Desmond, Amalgamated Sheet Metal Workers' International Alliance.
 Joseph A. Daly, Amalgamated Sheet Metal Workers' International Alliance.
 W. F. Gilmore, Amalgamated Society of Carpenters and Joiners.
 George G. Griffin, United Brotherhood of Carpenters and Joiners.
 William M. Lewis, Brotherhood of Painters, Decorators, and Paperhangers of America.
 Frank X. Noschang, Journeymen Barbers' International Union.
 Thomas O. Hughes, International Union of Slate Workers.
 G. M. Huddleston, International Slate and Tile Workers' Union of America.
 Ben Russell, International Slate and Tile Workers' Union of America.
 Thomas F. Tracy, Cigar Makers' International Union of America.
 J. A. Roberts, Cigar Makers' International Union of America.
 Martin Hellmuth, Amalgamated Meat Cutters and Butcher Workmen of North America.
 W. E. Thompson, International Ceramic, Mosaic, and Encaustic Tile Lavers and Helpers' Union.
 C. O. Pratt, Amalgamated Association of Street and Electric Railway Employees of America.
 T. C. Parsons, International Typographical Union.
 John P. Murphy, Boot and Shoe Workers' Union.
 John J. Binder, International Union of United Brewery Workmen.
 John Mangan, Steam Fitters' International Union.
 James M. Cumming, Steam Fitters' International Union.
 Charles N. Isler, Steam Fitters' International Union.
 Henry Fischer, Tobacco Workers' International Union.
 William Feenle, United Powder and High Explosive Workers of America.
 James G. McGrindle, United Powder and High Explosive Workers of America.
 Andrew Furuseth, International Seamen's Union of America.
 J. L. Feeney, International Brotherhood of Bookbinders.
 Rodney L. Thixton, International Stereotypers and Electrotypers' Union of North America.
 Michael J. Shea, International Stereotypers and Electrotypers' Union of North America.
 James F. Splann, International Stereotypers and Electrotypers' Union of North America.
 F. M. Ryan, International Association of Bridge and Structural Iron Workers.
 P. J. McArdle, Amalgamated Association of Iron, Steel, and Tin Workers.
 Martin Higgins, International Printing Pressmen's Union.
 John Golden, United Textile Workers of America.
 J. T. Carey, International Brotherhood of Paper Makers, etc.
 Thomas Mellor, International Brotherhood of Paper Makers, etc.
 H. B. Perham, The Order of Railroad Telegraphers.
 Jere F. McCarthy, Central Labor Union, Washington, D. C.
 Charles W. Winslow, Central Labor Union, Washington, D. C.
 John B. Colpoys, Central Labor Union, Washington, D. C.
 Shelby Smith, Allied Printing Trades Council, Philadelphia, Pa.
 John Fitzpatrick, Chicago Federation of Labor.
 P. J. Flannery, Interior Freight Handlers and Warehousemen's International Union.

A. F. OF L. POLITICAL POLICY.

That as our efforts are centered against all forms of industrial slavery and economic wrong, we must also direct our utmost energies to remove all forms of political servitude and party slavery, to the end that the working people may act as a unit at the polls of every election.

That the American Federation of Labor most firmly and unequivocally favors the independent use of the ballot by the trade unionists and workmen, united regardless of party, that we may elect men from our own ranks to make new laws and administer them along the lines laid down in the legislative demands of the American Federation of Labor, and at the same time secure an impartial judiciary that will not govern us by arbitrary injunction of the courts, nor act as the pliant tools of corporate wealth.

Mr. LACEY. Mr. Speaker, I would like to have the attention of the House for a few minutes upon the bill itself. This House has passed this bill three times. It passed it in the Fifty-sixth Congress, the Fifty-seventh Congress, and the Fifty-eighth Congress, but for some reason I have never been able to learn why, the bill has not received favorable action at the other end of the Capitol, and we want to send the bill over again, and I hope it will receive the attention its merits deserve. We have just in this Congress attempted to legislate for the preservation of Niagara Falls. The shores of those falls long since passed into private ownership, until it takes a heroic remedy now to protect this most wonderful piece of American scenery, justly classed as one of the wonders of the world. The petrified forest of Arizona is most of it in public ownership. The geological history of that great curiosity is one of intense interest. Millions of years ago that region was covered by the ocean. There was an arm of the sea, perhaps, in that vicinity. Floating upon that ocean were large numbers of trees, coniferous trees, of a prehistoric type, none of which to-day are found alive in America. They floated down pre-Adamite rivers, floated upon ancient arms of the sea, until the roots and limbs were worn off, and they became waterlogged and sank to the bottom of the sea, where they were gradually covered up by a deposit of sandstone and then were turned into hard agate of all the colors of the rainbow. Thousands of acres of these trees were thus buried under from 40 to 60 or 80 feet of sandstone. Subsequently the land rose from the bottom of the sea to from 7,200 to 7,300 feet above the ocean. The weather then began to wear away the sandstone. A stream carved its way through this sandstone, uncovering a large portion of this old forest, and there they lie prone upon the old sea bottom, thousands of acres of these trees, some of them 150 feet long, many of the logs 5 feet in diameter, out upon the desert in Arizona, and men come from all parts of the world to see this most remarkable of all the natural wonders of the continent. Visitors have been using dynamite and inserting it in the logs in order to get crystals from within. The Department of the Interior and the Commissioner of the Land Office have repeatedly requested the passage of an act of this character that would enable the Government to take care of this great curiosity and place it alongside the wind cave, the crater lake, the geysers of the Yellowstone, and natural curiosities and wonders of that class, that are not merely national in their character, but are world wide in their interest. This bill has passed the House, as I have said, three times, each time unanimously, and I only take this much of the time of the House in order to place before it and before the country the necessity of the preservation of these remarkable remains while they are still within the control of the United States Government. This land should be set apart for our children and our children's children forever.

Mr. TAWNEY. Will the gentleman yield?

Mr. LACEY. Certainly.

Mr. TAWNEY. What is the purpose of this bill? Is it to convert this petrified forest into a national park?

Mr. LACEY. Not to convert it into a national park, but to include it in a national park that will preserve it forever.

Mr. GAINES of Tennessee. What is it good for? Will it not preserve itself?

Mr. LACEY. I am glad my friend from Tennessee [Mr. GAINES] asked that question. Not very many years ago some ingenious man found that it was practicable to use mummies for paint, and they were collected and ground up, and Egyptian ancestors were converted into paint for the use of the artists and the workmen of to-day. Some years ago some one made the discovery that these trees could be ground up into emery powder, and they built a mill out there and proposed to convert these wonders of the Arizona desert into emery. The mill still stands, but fortunately for our reputation it was discovered that there was a stone in Canada much nearer to the market that could be ground up into emery, and that did not have to be transported such a great distance to market, and would come in competition with this emery. Consequently it proved not to be a successful commercial venture, and these curiosities have thus been preserved by the mere accident of the failure of a commercial venture. The attempt has been made to turn Niagara Falls into money in the form of power, and these trees, unless protected, will disappear, at least will be destroyed in their present form, and become mere broken chips and blocks scattered over the desert.

Mr. GAINES of Tennessee. How do you propose to do it, and how much is it going to cost?

Mr. TAWNEY. Will the gentleman permit another question?

Mr. LACEY. Certainly.

Mr. TAWNEY. Has the gentleman from Iowa ever visited this forest?

Mr. LACEY. I have.

Mr. TAWNEY. What is the area of it?

Mr. LACEY. The area proposed here is about 25,000 acres.

Mr. TAWNEY. Now, it consists principally of sand and a few trees that are lying there and all broken up into small pieces.

Mr. LACEY. Has the gentleman visited it?

Mr. TAWNEY. Yes; I was there last summer.

Mr. LACEY. The gentleman only visited a small portion of it, if he says it consists of trees broken up. There are three parts to this forest.

Mr. TAWNEY. I was in three parts. They told me that was all there was of it. I do not know.

Mr. LACEY. There was one of the parts where the old sea bottom had been eroded below the original bed on which the trees rested. Where this occurred they have broken into blocks. They look like the cuts for staves or shingles; and in the other parts the erosion is not so deep, and the trees lie in their original form upon the bottom.

Mr. GAINES of Tennessee. Will the gentleman state how he proposes to preserve these, and how much money he wants?

Mr. LACEY. We do not want any money. We want to set this apart simply as a permanent reserve. It is useless for agriculture.

Mr. GAINES of Tennessee. Want to put a fence around it?

Mr. LACEY. No; it needs no fence around it. It simply needs the protection of the law.

Mr. GAINES of Tennessee. Do you want an officer to take charge of it?

Mr. LACEY. There ought to be a custodian in charge of it.

Mr. TAWNEY. As a matter of fact, the Interior Department does now prevent the carrying off or removal of any part of these petrified trees.

Mr. LACEY. They are trying to do it now as far as practicable.

Mr. TAWNEY. The land is all owned by the Government?

Mr. LACEY. No; there are some lands that may be exchanged by the consent of the Secretary. Some portion, or the bulk, of this land is owned by the Government.

Mr. TAWNEY. Some of these petrified trees project out of the bank away up 50 feet from the surface. Is it proposed to preserve those?

Mr. LACEY. In some places the sandstone has been eroded from a part of the tree, and you will see old logs protruding from the sandstone bank and projecting, not thoroughly exposed. There is one of these that is known as the "Natural Bridge."

Mr. GAINES of Tennessee. Now, if you can get some good man from Tennessee as an officer to take care of that, or from Iowa—

Mr. LACEY. No, sir; I fear we could not do that, because Tennesseans are not adapted to the care of fossils.

Mr. GAINES of Tennessee. I take that as a compliment.

Mr. LACEY. It is so intended.

Mr. DALZELL. I would like to ask the gentleman to yield to me for a privileged report.

Mr. LACEY. We will dispose of this bill in a moment. I call for a vote on the bill.

I will insert in my remarks the report upon the bill, which will describe the proposed park more fully:

[House Report No. 4638, Fifty-ninth Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 8966) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park of Arizona, beg leave to submit the following report and recommend that said bill do pass with amendments, viz:

Strike out the words "townships 16 and 17 north, ranges 23 and 24 east," in lines 8 and 9, on page 1, and insert in lieu thereof the following:

"Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, in township 17 north, range 2 east; also sections 4, 5, 6, 7, 8, and 9, in township 16 north, range 24 east; also sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18, in township 16 north, range 23 east, and sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, in township 17 north, range 23 east."

One of the most remarkable of the natural curiosities of the American Continent is known as the Petrified Forest, or Chalcedony Forest, of Arizona. This region has not been extensively visited by the American public. When properly cared for and supplied with suitable accommodations for visitors, it will take its place with the Yellowstone, Yosemite, and Mount Ranier national parks. It is not far distant from the Grand Canyon of the Colorado, which is one of the wonders of the world.

We will quote from the report of Prof. Lester F. Ward, paleontologist of the United States Geological Survey. Mr. Ward's report will

soon be published, and we only make such quotations from it as will explain the importance and necessity of the proposed park. The Territorial legislature of Arizona in 1895 recommended the establishment of this proposed park. This request led to Mr. Ward's examination, which he made last year.

In a letter written by Mr. Richard Rathbun, Acting Secretary of the Smithsonian Institution, to the Commissioner of the Land Office, in which the suggestion is made that Mr. Ward be directed to make the examination, occurs the following:

"The region near Holbrook, Apache County, Ariz., known as the 'Petrified Forest,' 'Chalcedony Park,' and 'Lithodendron (stone trees) Valley,' is of great interest, because of the abundance of its beautiful petrified conifer trees, as well as its scenic features. The trees lie scattered about in great profusion, but none stand erect in their original place of growth, as do many in the Yellowstone National Park. The National Museum possesses three splendid trunks collected there by Lieutenant Hegewald at the request of General Sherman."

The best popular account of this region is given by Mr. George F. Kuntz, and is as follows:

"Among the great American wonders is the silicified forest, known as 'Chalcedony Park,' situated about 8 miles south of Corrozo, a station on the Atlantic and Pacific Railroad, in Apache County, Ariz. * * * The locality was noticed in 1853 by the Pacific Railroad exploring survey. * * * There is every evidence to show that the trees grew beside some inland sea. After falling they became water-logged, and during the decomposition the cell structure of the wood was entirely replaced by silica from sandstone in the walls surrounding the great inland sea."

"Over the entire area trees lie scattered in all conceivable positions and in fragments of all sizes, the broken sections sometimes resembling a pile of cart wheels. * * * A phenomenon perhaps unparalleled, and the most remarkable feature of the park, is a natural bridge formed by a tree of agatized wood spanning a canyon 45 feet in width. In addition to the span, fully 50 feet of the tree lies on one side, making it visible for a length of over 100 feet."

Mr. Ward in his report, among other things, says:

"SCENIC FEATURES.

"With regard to the first of these, viz, the scenic aspect, I can safely say that it has never been exaggerated by any who have attempted to describe this region. The pictures given in the letter of the Assistant Secretary of the Smithsonian Institution, above quoted, are not overdrawn, and the more or less glowing descriptions of Möllhausen, Marcou, Newberry, and other explorers fall far short of what might truly be said from this point of view. These petrified forests may properly be classed among the natural wonders of America, and every reasonable effort should be made not only to preserve them from destructive influences, but also to make their existence and true character known to the people."

"Some of the most important considerations that can be urged in favor of the importance of this region, compared with other petrified forests, rests upon its geological relations. In the first place, it is much more ancient than the petrified forests of the Yellowstone Park, of certain parts of Wyoming, and of the California Calistoga deposits. These latter are of the Tertiary age, while the Arizona forests belong far back in the Mesozoic time, probably to the Triassic formation. The difference in their antiquity is therefore many millions of years. Scattered blocks of silicified wood do indeed occur in the Trias at other points, but this is the only region in which they are in such abundance as to deserve the name of a petrified forest."

"In the second place, there is no other petrified forest in which the wood assumes so many varied and interesting forms and colors, and it is these that present the chief attraction to the general public. The state of mineralization in which much of this wood exists almost places them among the gems and precious stones. Not only are chalcedony, opals, and agates found among them, but many approach the condition of jasper and onyx. The degree of hardness attained by them is such that they are said to make an excellent quality of emery."

"LOCATION OF THE PETRIFIED FORESTS.

"It should be understood that petrified or silicified wood occurs in great quantities throughout the Triassic terrane of Arizona, New Mexico, and Utah, and there are hundreds of places where the logs are massed together or even piled one upon another; but the particular region known as the Petrified Forest of Arizona lies in the area between the Little Colorado and the Rio Puerco, 15 miles east of the junction, 17 miles east of Holbrook, and 6 miles south of Adamana station, on the Santa Fe Pacific Railroad, which measurements terminate on the outer edge of the area, on the west and north sides. It is about 8 miles square, and falls chiefly within township 17 north, range 24 east, but extends a short distance on the south into township 16 north, and on the west into range 23 east."

"The region consists of the ruins of a former plain having an altitude above sea level of 5,700 to 5,750 feet. This plain has undergone extensive erosion to the maximum depth of 700 feet, and is cut into innumerable ridges, buttes, and small mesas, with valleys, gorges, and gulches between. The strata consist of alternating beds of clay, sandstone shales, and massive sandstones. The clays are purple, white, and blue, the purple predominating, and the white and blue forming bands of different thickness between the others, giving the cliffs a lively and pleasing effect. The sandstones are chiefly of a reddish-brown color and closely resembles the brownstones of the Portland and Newark quarries on the Potomac River and at Manassas, in Virginia, but some are light brown, gray, or whitish in color. The mesas are formed by the resistance of the massive sandstone layers, of which there are several at different horizons, to erosive agencies, and vary in size from mere capstones to small buttes or tables several miles in extent, stretching to the east and to the northwest."

"The drainage of the area is to the south, and in the middle of it, having a nearly due southern course, but winding much among the buttes, is the famous Lithodendron Creek, so named by Lieutenant Whipple in 1853. It is dry most of the year, but has a gravelly bed, often 20 feet in width, and by digging holes in this gravel to a depth of 4 or 5 feet water will accumulate and stand in these holes."

"The valley of this creek is narrow in the northern and central parts of the area, and there are several short branches or affluents, but at the southern end it broadens out and its rugged, spurred, and canyoned slopes are highly picturesque. Here is located its principal petrified forest, and this is the region that has been characterized by some as Chalcedony Park. The petrified logs are countless at all horizons, and lie in the greatest profusion on the knolls, buttes, and spurs, and in the ravines and gulches, while the ground seems to be everywhere studded with gems consisting of the broken fragments of all shapes and sizes and

exhibiting all the colors of the rainbow. When we remember that this special area is several miles in extent, some idea can be formed of the enormous quantity of this material that it contains.

"THE NATURAL BRIDGE."

"Besides the fact that this bed lies wholly within the petrified-forest area, there is another important circumstance which serves to give it special prominence. One of the most celebrated objects in the whole region is the well-known Natural Bridge, mentioned by so many travelers and referred to in the documents quoted at the beginning of this report, consisting of a great petrified trunk lying across a canyon and forming a natural footbridge on which men may easily cross. This occurred on the northeast side of the above-mentioned mesa, near its rim, and the bed in which it lies is the coarse sandstone which holds all the petrified wood. The Natural Bridge therefore possesses the added interest of being in place, which can be said of but very few of the other petrified logs of the region.

"It was observed in the southwestern exposure and at other points that all the petrified logs and blocks lying in the sandstone or only recently washed out of it are surrounded by a coating of the sandstone firmly cemented to the exterior. The absence of this coating from most of those in the principal forest is due to their long exposure to the climatic influences, which ultimately disintegrate and detach the sand rock adhering to them and strip them clean to the body of the trunks themselves. That this process requires ages of time is proved by the fact that the Natural Bridge is still coated over a large part of its surface by the remains of the cemented sand rock, in which it was once completely embedded. This is true chiefly of the lower portion, and farther up the trunk it has nearly all disappeared. The trunk is in an excellent state of preservation and is complete to its base, where it is abruptly enlarged, showing the manner in which the roots were attached. This portion still lies partially buried in the sandstone, which is the same in character as that which still adheres to the lower 20 feet.

"The canyon or gulch has a due north direction and is very precipitous, beginning only 200 yards above the bridge and rapidly broadening in its descent. At the point where the bridge crosses it it is about 30 feet wide, but the trunk lies diagonally across and measures 44 feet between the points where it rests upon the sides of the canyon. The angle is nearly 45°, and the tree lies with its roots to the southeast and its top to the northwest. The canyon is here about 20 feet deep, and from its bottom and sides several small trees are growing, some of which rise considerably above the bridge. The trees are mostly cedars, but there is one cottonwood (*Populus angustifolia*). The root is quite near the brink of the canyon, but rests on a solid ledge for a distance of 4 feet, so that there is no probability that, in this dry region, it will be endangered by further erosion. The total length exposed is 111 feet, so that more than 60 feet of the upper part lie on the left bank of the canyon. At about the middle of the canyon and above where the coating of sandstone still adheres it measures 10 feet in circumference, giving a diameter of over 3 feet. At the base it is now 4 feet in diameter, but the thickness of the incrustation is not accurately known. At the extreme summit the diameter is reduced to 18 inches. As in the case of practically all the petrified logs of the region, there are no indications of limbs or branches at the top. The significance of this fact will be noted later.

"A general characteristic of the petrified trunks, not only of this region and of the general Triassic terrane of Arizona and New Mexico, but of all petrified forests, is their tendency to break across in sections or blocks of greater or less length. All travelers have remarked this, and the sketches made by Möllhausen and in the Pacific Railroad reports show them thus divided. Some observers have noted the fact that the Natural Bridge has several of these transverse cracks, and all the good photographic views of it show them. I counted four, but most of them seem to be as yet only partial, and do not probably extend entirely through the trunk. There is one, however, near the left bank that has the appearance of doing so, and the trunk is probably only kept from parting at this point by the mechanical adjustment which causes the adjacent faces to perform the office of a keystone to an arch. Any considerable shrinkage, due to climatic or other causes, would overcome this influence and the entire bridge would crash to the bottom of the canyon or roll down the escarpment in a number of huge segments.

"An examination of the relation of the Natural Bridge to the gulch which it spans shows clearly that the entire trunk was primarily embedded in the sandstone bed covering this entire region, and that with the progress of erosion which ultimately carried the entire plain to the north, as well as in other directions, leaving this small mesa, it was at last exposed and lay for a great period near the rim of the escarpment. At first it was only partially buried and later came to lie on the surface of the ground. As the land rises somewhat to the south of it, hills were formed above, and in times of heavy rain or floods it obstructed the flow of the water, forming a sort of a dam. The water lying against it long after it had ceased to overflow, it tended to disintegrate the rock upon which it lay until eventually it found its way through beneath at some point. The smallest opening of this nature would soon become a free passage for the water, and a simple continuation of the process of erosion would ultimately result in the formation of the entire gorge as it exists to-day."

We also include the following from Doctor Newberry's statement:

"I have examined these specimens with some care to determine, if possible, whether they had grown on the spot, as those of Lithodendron Creek are supposed to have done by the members of Captain Whipple's party, or whether they had been transported to their positions. In all that came under my observation I failed to notice any evidence of their having grown in the vicinity. All the trunks are stripped of their branches and exhibit precisely the appearance of those transported to some distance by the agency of water. In confirmation of this view I should say I found in the marls, with the entire trunks, rounded and water-worn fragments of wood, in some instances silicified and in others converted into lignite.

"I gathered the same impression from all the specimens of silicified wood which I observed in this formation in western New Mexico, viz, that all had been transported, but not far removed from their place of growth."

Continuing his report, Professor Ward says:

"The indications therefore all point to some degree of transportation of this material by water antecedent to petrification, and the great amount of it at this particular place argues for the existence of such a condition as would arrest the process and cause the floating logs to accumulate in masses, as often happens in great eddies or deltas of rivers. The character of the bed in which they occur also supports this view. The coarse sand and gravel, highly favorable to the process of silicification, denotes the proximity of the land and the cross-bedding

bears witness to the existence of rapid and changing currents. As this stratum occupies the highest elevations in this region, the nature of the overlying beds is not revealed, and the question as to whether the period was followed by one of general subsidence can only be settled by a study of the higher plains lying some distance to the east and north, but it is probable that the bed sank and that the finer deposits ultimately buried it at the bottom of the Mesozoic seas there to remain until the Tertiary epeirogenic movement raised the entire country from 5,000 to 6,000 feet above sea level."

No one denies that visitors to this region usually carry away with them as much as their means of transportation will permit, but this consists usually, of course, of the smaller objects that lie in such profusion on the ground. At the first view it might seem that the immense quantity of such objects makes it impossible that any appreciable impression can ever be made upon the whole mass in this way. This is the same kind of reasoning, or rather unreasoning, that has led to the practical extinction of the buffalo and which threatens to exhaust the sources of natural gas. But the class of persons known as "relic hunters" is very large, and the number who will in the future visit the petrified forest is destined greatly to increase. They usually carry with them some concealed tools or instruments, and with these they are perpetually breaking off pieces of objects which they wish to carry away as souvenirs. This way the finest trunks are being hacked to pieces and disfigured. For example, there are several places on the Natural Bridge where this process has been going on until quite large holes or unsightly cavities have been dug in the upper side of the trunk. The small pieces, chips, and blocks that lie in such profusion on the ground vary greatly in form and coloration, and it is of course always the most symmetrical and brilliant that are first picked up, and these will eventually be so culled out that only the plain, unattractive pieces will be left.

Leading citizens and prominent public men in Arizona are sincerely desirous of preserving this interesting spot from vandalism and wanton destruction, and many of them think that this can be best done by making it a national reserve and appointing proper guardians to take charge of it. As they show, the expense of this need not be large. A single mounted ranger, such as now patrol the forest reserves of the Colorado Plateau, would probably be adequate for this purpose for some time to come.

As nearly all visitors must approach the forests by the way of the Santa Fe Pacific Railroad, it is clearly to the interest of the road that they be made as attractive as possible, and there is no doubt that the officers of the road will gladly cooperate with the Government in this matter. A few years ago the nearest railroad station was Corrozo, which is some 6 miles west of north of the upper forest. The inconvenience of this was apparent to the railroad authorities, and they have recently established a station due north of the forests, only 7 miles from the nearest margin and about 8 miles from the Natural Bridge. This station is Adamana, the name being modified from the name of the only person living there, Mr. Adam Hanna, upon whom now falls the duty of conducting parties to the petrified forests. Mr. Hanna derives considerable revenue from this source, especially as it is usually necessary for parties to stay overnight, and he takes care of them. But this house is not convenient to the station and is not adapted for a hotel, and as the number of visitors increases it will be necessary to provide more ample accommodations. There will need to be a hotel with civilized conveniences, and it will eventually be to the interest of the railroad company to provide such, as also suitable conveyances and guides.

This tract of land is unsuitable for cultivation, and has no value outside of its scenic beauty and fossil curiosities. The people of Arizona desire that it should thus be set apart. The wanton destruction by the use of powder and dynamite will continue until the region is protected by law. Reckless men destroy these great curiosities with explosives in search for beautiful crystals from the interior of the trunks of the trees. It would seem that all that would be necessary would be to call the attention of the American Congress to this remarkable region in order to secure its preservation to our posterity.

DEPARTMENT OF THE INTERIOR,
Washington, March 15, 1900.

SIR: I have the honor to hand you herewith copy of a letter from the Commissioner of the General Land Office, dated the 6th instant, inclosing a bill entitled "A bill to set apart certain land in the Territory of Arizona as a public park, to be known as 'The Petrified Forest National Park.'"

The reasons for said proposed legislation are clearly set forth in the Commissioner's letter and the accompanying correspondence herewith submitted, and I heartily concur in the Commissioner's recommendation that the bill herewith submitted be enacted into law.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

THE CHAIRMAN OF COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 6, 1900.

SIR: On February 11, 1895, the secretary of Arizona forwarded to this Office a certified copy of House Memorial No. 4 of the eighteenth legislative assembly of Arizona, praying that certain lands in Apache County, Ariz., in the vicinity of Holbrook, known as the "Petrified Forest," be withdrawn from entry, with a view to creating a reservation or national park, for the purpose of preserving the natural wonders and curiosities of that region.

In connection therewith your attention is invited to departmental orders of December 15, 1896, and December 15, 1899, authorizing the temporary withdrawal from settlement, sale, or other disposal of townships 16 and 17 north, ranges 23, 24, and 25 east, Gila and Salt River meridians, Arizona, reported to contain valuable deposits of this petrified wood.

I now have the honor to transmit herewith a report upon this subject from the United States Geological Survey, dated May 31, 1898, and also reports made by former Forest Superintendent J. D. Benedict and by Special Agent S. J. Holsinger, under dates, respectively, of December 2, 1898, and November 18, 1899, submitting the results of personal examinations made by them of the locality in question.

These reports show that this petrified forest—the greatest natural wonder of its kind in America—has lain buried for unknown ages under a mantle of sandstone from 15 to 20 feet in thickness, which in places has been worn away by the erosion of the elements; and that the principal breaks in the covering occur in townships 16 and 17 north, ranges 23, 24, and 25 east. (See the diagram accompanying Agent Holsinger's report.)

As presenting more fully the scenic and scientific features of this locality, I desire to invite attention to a report made upon the subject by the paleontologist of the United States Geological Survey, Prof. Lester F. Ward, which was transmitted to the Department by said Bureau December 14, 1899, and is at present retained by the Department. This report submits a copy of the above-mentioned memorial of the legislature of Arizona, and also copy of a report made by the Smithsonian Institution in regard to this petrified forest, July 7, 1899.

In connection with these papers I inclose herewith a letter from the Smithsonian Institution, dated December 15, 1899, transmitting one from Professor Ward respecting the extent of area which should be covered by his report.

The report by Professor Ward states, in regard to this region, as follows:

"With regard to . . . the scenic aspect, I can safely say that it has never been exaggerated by any who have attempted to describe this region. The pictures given in the letter of the Assistant Secretary of the Smithsonian Institution, above quoted, are not overdrawn, and the more or less glowing descriptions of Mollhausen, Marcou, Newberry, and other early explorers fall far short of what might be truly said from this point of view. These petrified forests may be properly classed among the natural wonders of America, and every reasonable effort should be made not only to preserve them from destructive influences, but also to make their existence and true character known to the people.

"Some of the most important considerations that may be urged in favor of the importance of this region, compared with other petrified forests, rest upon its geological relations. In the first place, it is much more ancient than the petrified forests of the Yellowstone National Park, of certain parts of Wyoming, and of the California Calistoga deposits. These latter are of Tertiary age, while the Arizona forests belong far back in Mesozoic time, probably to the Triassic formation. The difference in their antiquity is therefore many millions of years. Scattered blocks of silicified wood do indeed occur in the Trias at other points, but this is the only region in which they are in such abundance as to deserve the name of a petrified forest.

"In the second place, there is no other petrified forest in which the wood assumes so many varied and interesting forms and colors, and it is these that present the chief attraction for the general public. The state of mineralization in which much of this wood exists almost places them among the gems or precious stones. Not only are chalcedony, opals, and agates found among them, but many approach the condition of jasper and onyx. The degree of hardness attained by them is such that they are said to make an excellent quality of emery.

"Perhaps the most prominent of all the scenic features of the region is the well-known Natural Bridge, consisting of a great petrified trunk lying across a canyon and forming a footbridge over which anyone may easily pass.

"It will be obvious from the above that the petrified forests of Arizona constitute an object of interest to all people of culture from both the esthetic and the scientific points of view, and that the immediate region here considered embraces the most striking features that they anywhere present. As stated in the memorial of the Territorial legislature to Congress, and as confirmed by my inquiries and admitted by all, these natural wonders are attracting thousands of visitors annually, most of whom are drawn there by mere curiosity. This characteristic of human nature, however almost it may sometimes seem, and however destructive it may often be, forms, under a broader culture, the true foundation of all discovery and progress. It needs encouragement and direction rather than suppression, and the policy should be to increase the attractions and to facilitate access to this as well as other extraordinary natural objects; but at the same time the destructive effects, especially such as tend to reduce the interest, mar the beauty, or lessen the instructiveness of the facts, should be prevented by every proper means.

"From all this it will be seen that leading citizens and prominent public men in Arizona are sincerely desirous of preserving this interesting spot from vandalism and wanton destruction, and that many of them think that this can best be done by making it a national reserve and appointing the proper guardians to take charge of it. As they show, the expense of this need not be large. A single mounted ranger, such as now patrol the forest reserves of the Colorado Plateau, would probably be adequate to this purpose for some time to come.

It appears from the several reports submitted that this region is not only subject to acts of vandalism by tourists, but that the commercial value of the mineralized formation when polished and converted to ornamental uses, or when crushed for abrasive purposes, furnishes a sufficient inducement to invite serious spoliation of some of the most interesting features of the locality, the practice of blowing open the trunks of the trees with giant powder being one of the means resorted to in securing some of the finest crystals.

The reports all agree that efficient protection by the Government is demanded to preserve the objects of interest in this region.

The locality is reported to be a sandy desert, practically worthless for agricultural purposes beyond producing a sparse growth of bunch grass; and the records of this office show that, with the exception of an unperfected homestead entry and three mineral applications, the even-numbered sections in the six above-named townships are vacant, unoccupied public land. The odd-numbered sections have been selected by the Atlantic and Pacific Railroad Company under the grant to that road of July 27, 1886 (14 Stat., 222), which selections have not, however, been approved.

In connection with these selections a question arises whether the mineralized or fossilized deposits in this locality are of such a nature and in sufficient quantities to render the lands subject to entry under the mining laws, and, as such, class them as "mineral lands" within the meaning of that term as used in the exception from the above-mentioned grant to the railroad company.

In regard to this mineralized wood, there has been no ruling, as yet, upon the character of the substance by name. It appears, however, probable, under the decisions in 25 L. D., 233, and 27 L. D., 95, that lands containing this substance to any considerable extent would be enterable under the mineral-land laws.

In 25 L. D., 233, it is held: "That lands containing valuable mineral deposits, whether of the metalliferous or fossiliferous class, of such quantity and quality as to render them subject to entry under the mining laws—that is, where they are more valuable on account of such mineral deposits than for agricultural purposes—are 'mineral lands' within the meaning of that term as used in the exception from the grants to the railroad company and to the State."

The question, however, whether lands in these townships are subject to selection by the railroad, as well as whether the "school" sections therein (sections 16 and 36) will pass to the State whenever the Territory of Arizona is admitted to the Union, is a matter for fu-

ture determination, and, in the case of each separate section, will depend not only upon the nature of the substance, but also upon the quantity of same found in that particular section, requiring that the merits of the case shall be individually considered in respect to each section.

In the case of the railroad selections the matter is one for determination whenever the selections come up for approval.

It does not appear, therefore, that the question of the Government's title to the odd-numbered sections in these townships and to sections 16 and 36 therein calls for consideration at this time in connection with setting these townships apart as a public park.

In view of the above-shown reasons for taking measures to properly protect the region containing this petrified forest, I have prepared and submit herewith the draft of a proposed bill setting apart as a national park the above-described six townships, containing the largest exposed deposits of this petrified wood, viz: Townships 16 and 17 north, ranges 23, 24, and 25 east, Gila and Salt River meridian; and I earnestly recommend that the bill become a law.

Very respectfully,

BINGER HERMANN,
Commissioner.

THE SECRETARY OF THE INTERIOR.

Bills in substantially the same form passed the House of Representatives in the Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses.

The SPEAKER pro tempore (Mr. BOUTELL). The question is on agreeing to the committee amendment.

The question was taken; and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORTS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, having had under consideration House resolution 623, submits the following report:

Resolved, That for the remainder of this session section 2 of Rule XXIX be, and is hereby, suspended.

Mr. DALZELL. Now, Mr. Speaker, I call the attention of the House to the language of section 2 of Rule XXIX. Section 2 of Rule XXIX reads thus:

It shall not be in order to consider the report of a committee of conference until such report and the accompanying statement shall have been printed in the RECORD, except on either of the six days preceding the end of a session.

Now, the resolution which I have sent to the Clerk's desk proposes to suspend the operation of the second section of that rule for the balance of this session. If we knew by resolution, as we know otherwise, that we are in the last six days of the session, there would be no necessity for this resolution.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. DALZELL. Certainly.

Mr. GAINES of Tennessee. How long has that been the rule of the House?

Mr. DALZELL. I think it was adopted in the Fifty-seventh Congress.

Mr. GAINES of Tennessee. It is a very useful rule.

Mr. DALZELL. It is a very useful rule, of course; and the suspension of it for the last six days of the session is also useful; and in the interest of the expedition of public business we ought not now to be compelled to print a conference report to get it considered by the House.

Mr. GAINES of Tennessee. Does not the gentleman think that we ought to know what is in the conference report, particularly one of so much importance?

Mr. DALZELL. I am not talking about any conference report; I am talking about all conference reports.

Mr. GAINES of Tennessee. We are going to take up the railroad-rate matter.

Mr. DALZELL. I hope we will. Now, does the gentleman from Mississippi want any time? If so, how much?

Mr. WILLIAMS. Not over twenty minutes. I myself do not want over five minutes.

Mr. DALZELL. I hope the gentleman will not ask for twenty minutes. There is nothing to talk about for twenty minutes. If the gentleman wants five minutes I will yield it to him.

Mr. WILLIAMS. The gentleman must remember that if he had pursued the usual course and called for the previous question I would have twenty minutes.

Mr. DALZELL. I know; it is not necessary, and I am not doing it. How much time does the gentleman want himself?

Mr. WILLIAMS. I have just told you. I would like to have the gentleman put at my disposal twenty minutes. I do not want more than five minutes myself, and I do not know whether anybody else will want any.

Mr. DALZELL. I yield to the gentleman for ten minutes.

Mr. WILLIAMS. Make it twenty; I may not use it. Give me the time I would be entitled to.

Mr. DALZELL. I think ten minutes is long enough to spend on this. If the gentleman wants more than ten minutes after he has used that much I will consider his proposition.

Mr. WILLIAMS. Mr. Speaker, the generosity of the gentleman from Pennsylvania is so well known that I need not thank him for this particular display of it.

Mr. Speaker, the gentleman has correctly stated what the rule is. He has also correctly stated that if there had been a resolution adopted fixing a day for adjournment then, under the rules, there would be no necessity—

The SPEAKER pro tempore. Will the gentleman from Mississippi suspend to receive a message from the Senate?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, had further insisted upon its amendments disagreed to by the House of Representatives, and had appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1903, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 6167) to improve the channels along the New Jersey seacoast, in compliance with its request.

CONFERENCE REPORTS.

Mr. WILLIAMS. Mr. Speaker, as I was saying, the gentleman is also correct in stating that if the resolution had been adopted, fixing the time of adjournment, and if that time were within less than six days, this special rule would be unnecessary. The fact, however, remains that no such resolution has been adopted, and that nobody knows with any degree of certainty that we are within six days of the end of the session, although all of us suppose that we are.

Now, Mr. Speaker, I do not know that anybody on this side of the Chamber would have any objection to the adoption of this conference report if they knew what it was. It may be said that they can hear what it is when it is read from the desk. As a matter of practical fact you know that that is not the case. The disorder is so great when a matter of this sort is up that there are not over two-thirds of the Members of the House, and frequently not over one-half, who can possibly hear. This is a most important matter, the most important matter which has been considered at this session. Every sentence and every word and every syllable of this law ought to be weighed. There has been no opportunity whatsoever given to consider any item brought out of conference separately thus far, although we were abundantly assured that that opportunity would be given at some time. One rule has come to prevent it, then another rule, and then there came a conference report that had to be voted up or down, none of the items of which could be considered separately; and now there comes another conference report that has to be voted up or down without separate vote. It is but a poor boon to ask for the House to permit the conference report to be published, so that each Member of the House may read it and know what he is doing, and do it coolly, to-morrow morning, after a night's sleep and reflection, for he may see it in the evening paper and read it and sleep over it to-night.

I would have no objection to the adoption of the rule that

is now brought in, if it did not apply to this particular bill. I believe we are, as a matter of fact, within six days of the close of the session; and believing that, I have no sort of opposition to obeying the spirit of the rule, although it is not the letter of the rule, in providing that, after this conference report, it shall not be necessary to print these reports for twenty-four hours.

Now, I understand—and I want this side of the House, especially, to lend me their attention—that the conference report brought in is precisely the conference report that was brought in before, with the exception of the free-pass item, as it is called. I have not had the opportunity to read the conference report in full, and have in my hand only a part of it; but I understand that on the free-pass question this particular conference report brings in the original Senate amendment to the House bill, with one subtraction and one addition. I understand the subtraction is, that whereas the original Senate amendment to the House bill provided that all soldiers of both armies, Union and Confederate, could have free passes granted them, this conference report strikes that out. Then I understand that what it adds to the original Senate amendment is—substantially expressed in my own words—as the opportunity of getting free passes for those engaged professionally in eleemosynary or charitable work. I have no objection in the world to adding that to it. I also understand, from reading this as well as I can, that what was in the original Senate amendment about secretaries of Young Men's Christian Associations is also stricken out. If it is not stricken out, I do not see it here.

Now, Mr. Speaker, I wish to read to the House, so that they may understand it, the pass amendment as it was handed to me as a part of this report. I ask your attention to this, gentlemen, so that you may know what you are voting upon. As for myself, I will say frankly, at the jump, that I have no objection to its passage.

Mr. RICHARDSON of Alabama. Will the gentleman from Mississippi allow me?

The SPEAKER. Does the gentleman from Mississippi yield? Mr. WILLIAMS. I have only ten minutes.

Mr. RICHARDSON of Alabama. I only wish to correct a misapprehension. The provision in reference to Young Men's Christian Associations applies to railroad Young Men's Christian Associations.

Mr. WILLIAMS. I understand, then, that it simply applies to those who are railroad employees and at the same time members of the Young Men's Christian Associations. I have no objection to that. Of course, the families of employees are included among those who may have passes, because they were in the original Senate amendment. Let me read it:

No common carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its agents, officers, surgeons, physicians, and its attorneys at law; ministers of religion, inmates of hospitals and charitable and eleemosynary institutions, to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for disabled volunteer soldiers, and of Soldiers and Sailors' Homes, including those about to enter and those returning after discharge, and their boards of managers; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars and express cars; employees of and to linemen of telephone and telegraph companies; Railway Mail Service employees; post-office inspectors; newsboys on trains; baggage agents; witnesses attending any legal investigation in which the carrier is interested; persons injured in wrecks, and the physicians and nurses attending such person or persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their immediate families, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than \$100 nor more than \$2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among States," approved February 19, 1903, and any amendment thereof.

One question I would ask the gentleman from Iowa, the chairman of the committee. The original Senate amendment had in it "or who solicits or accepts for himself or any other person." In the copy I had that is stricken out. Am I correct about that?

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield the gentleman five minutes more.

Mr. HEPBURN. I think the gentleman is correct.

Mr. WILLIAMS. Then that is another change from the original Senate amendment that I did not know of when I began my remarks. I think it ought not to have been made. I do

not think a Member of Congress or a Senator or anybody else ought to solicit passes for other people. They can get just as much under obligation to carriers by soliciting for others as they could for themselves. For another reason, Mr. Chairman, I hope this defect may possibly be remedied some day. If Members of Congress or Senators consult their own convenience only, they ought to want to be forbidden by law from soliciting passes. All sorts of people are coming to you all the time and begging you to go to the railroad and solicit favors. For myself, I have always refused to do it upon the ground that, refusing myself to accept any passes, I would not solicit for others what I refused for myself. But Members of Congress who have not pursued that policy tell me that this has been a source of infinite annoyance to them.

Mr. TOWNSEND. Will the gentleman yield?

Mr. WILLIAMS. Certainly.

Mr. TOWNSEND. I would like to ask the gentleman if this provision is carried, for whom could a Member solicit passes?

Mr. WILLIAMS. Mr. Speaker, I frankly believe that the question of the gentleman has thrust the vitals out of the objection. Upon reflection, he might solicit it, but if he got it it would be a crime for the railroad to give it, and so, I suppose, his solicitation would do no good. I thank the gentleman for the question.

Mr. Speaker, I do hope that this resolution will not be passed at this moment so as to include the conference report on this bill. It will be better for everybody if you will have the conference report published in the usual way, so that those who are suspicious—and I do not say I am one of them—can read it for themselves, and can feel satisfied in their own minds that they are doing nothing erroneous in a hurry—can have time to think and act with deliberation. I think it very possible that to-morrow morning, after it has been read, if it be published, there would not be many, if any, votes cast against the conference report; but to hurry it through now is, in my opinion, bad policy, a lack of tact, and a bad showing of justice in addition.

Mr. JAMES. Mr. Speaker, I will ask the gentleman from Mississippi what does the conference report provide relative to common carriers engaging in other business?

Mr. WILLIAMS. As I understand, just what the last conference report did—was to make the pipe lines common carriers, but it does not forbid them from carrying their own oil. It requires them to publish their rates like other common carriers, to expose those rates to the public view, not to change those rates except under the provision of law, to charge reasonable rates, and to charge equal rates to all, and it gives to the Interstate Commerce Commission the same power that it has for restricting and regulating other common carriers, and in case it finds a rate unreasonable to prescribe a reasonable rate in its stead. But the conference report does allow them to carry their own oil.

Mr. JAMES. But it denies, if I understand the position of the conferees—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, the question which the gentleman from Kentucky is about to ask may be better answered by the gentleman from Iowa, the chairman of the committee, when we discuss the resolution itself.

Mr. DALZELL. Mr. Speaker, the gentleman from Mississippi discusses this resolution as though it had reference solely to the conference report on the rate bill. There are a great many other conference reports on other bills that are being held up because of this rule requiring them to be printed, and they are delaying the business of the House. The gentleman appeals to us on the ground that he wants to know what is in the rate bill conference report, and then he goes to work and shows that he knows a great deal more about what is in that report than a great many gentlemen on this side of the House. For years and years, Mr. Speaker, indeed until the Congress before last, conference reports were always considered in this House simply upon their presentation and being read from the Clerk's desk, without any publication in the Record at all. I have no doubt that so far as the conference report on the rate bill is concerned the House will have abundant opportunity when it is called up to have it explained to them and to understand all the provisions that are in it. Just as I said before, this is in the interest of the expedition of public business.

Mr. DE ARMOND. I would like to ask the gentleman whether he has any recollection of any other conference report in the history of this House or anywhere else that is parallel with that upon the rate bill?

Mr. DALZELL. Well, I do not know. I suppose it depends on the point of view.

Mr. DE ARMOND. Hasn't it this peculiarity and has it not always had this peculiarity of apparently being written so that nobody except those who wrote it could understand what it meant, and nobody, unless it be with that exception, would know what it was intended to be?

Mr. DALZELL. Possibly it is open to that criticism; I do not know.

Mr. DE ARMOND. Would it not be well, under those circumstances, to give the House a little opportunity by seeing it in print to know what it is and to try and divine for itself what it is intended to be?

Mr. DALZELL. Oh, I think the intelligence of the House is such as to grasp the report and what it means upon hearing the gentlemen who are on the committee.

Mr. SHERMAN. Mr. Speaker, I will ask the gentleman from Pennsylvania to yield to me for a moment. I desire to say that this report is identical, word for word, except amendments 4 and 5, with that presented here last Saturday, and which has been printed in the Record. That amendment No. 4 has been read by the gentleman from Mississippi. Amendment No. 5 is identical with the report presented last Saturday, save only that it strikes out the "common carrier" and inserts the word "railroad," and the present report strikes out "common carrier" and inserts the words "railroad company," adding the word "company." With that single exception, and with the substitute amendment in reference to passes, which the gentleman from Mississippi has just read, this report, word for word and syllable for syllable, has been in print in the Record for five days. [Applause on the Republican side.]

Mr. DE ARMOND. The trouble about this matter is that the "word for word, syllable for syllable" seem not to be employed as is usually the case to express a plain, distinct meaning, but to cover up and disguise a meaning. As the last report says, the changes are "phraseological." Perhaps it is necessary to employ an extraordinary word in order to get a descriptive term for an extraordinary proceeding. Any man in this House in five minutes can express clearly what he means with regard to either one or any one of these amendments if he desires to do so, and every other man in the House can know what he means by what he has said.

Mr. DALZELL. I suggest to the gentleman from Missouri that twenty-four hours will not correct the phraseology of this report.

Mr. DRISCOLL. I have been very much interested in the antipass provision in this rate bill. I was one of the four who voted against the report last Saturday because I could not vote for that provision as it was. Now, I want to ask the gentleman from Pennsylvania if he thinks the public business will suffer at all by letting this matter stand over until to-morrow morning, or if the rate bill, as to its chances of getting through, will suffer in any way by letting this matter stand until to-morrow until we get a chance to see it as it is now and study over it and prepare to vote on it?

Mr. DALZELL. The gentleman from Pennsylvania thinks that public business will be facilitated by going on now.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. DALZELL. For a question.

Mr. GAINES of Tennessee. This rule covers the rate bill, the pure-food bill, and the meat bill?

Mr. DALZELL. It covers all conference reports that come up.

Mr. GAINES of Tennessee. Are not those new and important matters of legislation—

Mr. COOPER of Wisconsin. Mr. Speaker, I was not in when the gentleman presented the rule. I would like to ask if it be not true, as presented by the gentleman from Tennessee, that a rule has been brought in at this late day in the session that any conference report hereafter presented—

Mr. DALZELL. I will read the gentleman what the rule is. Mr. COOPER of Wisconsin. I wanted to know what this does.

Mr. DALZELL. I will get the gentleman to understand it if he will have patience. Rule 29 reads thus:

It shall not be in order to consider a report of a committee of conference until such report and the accompanying statement shall have been printed in the Record, except on either of the six days preceding the end of the session.

Now, the gentleman from Wisconsin believes, I suppose all the rest of us do, that we are within less than six days of the end of the session, and the resolution proposes to carry out the spirit of this rule by suspending section 2 for the remainder of the session, so that when conference reports come in they can be considered without being printed for twenty-four hours.

Mr. COOPER of Wisconsin. Will the gentleman permit me to say a word in reply to that?

Mr. DALZELL. Certainly.

Mr. COOPER of Wisconsin. The gentleman says this is an effort to carry out the spirit of the rule. In my judgment this is an effort distinctly and deliberately to violate the spirit of the rule. The rule was passed to do away with abuses which were prevalent in Congresses preceding this and the one in which that rule was enacted. A rule was passed to prevent what has been done here, holding up day after day exceedingly important bills, vitally important bills, until everyone is anxious to get away, the hour of adjournment has practically been fixed, and then bring in a rule that those reports on those bills shall not be printed, and we go to work, worse than a lot of town supervisors ever do in the most ordinary case, worse than anybody anywhere pretending to have ordinary intelligence upon serious problems, to legislate without having read what we are legislating about, and to take it upon the ipse dixit practically of somebody who brings in a report that it contains this or that, that it made this provision in accordance with this section, and leaves out a few words under another section, but "phraseologically" it does not do anything important. We have to take everything for granted without the opportunity to read. The gentleman from Pennsylvania said when he first arose that a number of conference reports were being held up because we are tied down by this rule. Without desiring to impute anything wrongfully by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or anybody else, because they are well-meaning gentlemen, it is much more reasonable, I think, to say that these reports have been held up, or rather, this rule has been brought in after these reports have been held up, and it is perhaps possible that these reports have been held up with the view to getting this rule. In any event, this rule ought not to be adopted. I am entitled to know, and any other man who legislates here is entitled to know, that he legislates intelligently, and you can not legislate intelligently upon a food bill and upon all of these other things without an opportunity to know and after having read all of the amendments.

Mr. DALZELL. Mr. Speaker, only one word. So far as the assertion of the gentleman from Wisconsin [Mr. COOPER] is concerned—that this is a deliberate attempt to continue an evil—it is untrue. [Applause.] If I thought as meanly of my colleagues in this House as the gentleman from Wisconsin does, I would retire from it. [Applause.]

I ask for the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 139, noes 75.

So the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 87, answered "present" 13, not voting 116, as follows:

YEAS—163.

| | | | |
|-----------------|----------------|-------------------|----------------|
| Acheson | Crumpacker | Hayes | McKinley, Ill. |
| Adams | Currier | Henry, Conn. | McKinney |
| Alexander | Curtis | Hepburn | McLachlan |
| Allen, N. J. | Cushman | Higgins | McMorran |
| Bannon | Dale | Hinshaw | Madden |
| Barchfeld | Dalzell | Hoar | Mahon |
| Bates | Darragh | Holliday | Mann |
| Beldler | Davidson | Howell, Utah | Martin |
| Bennet, N. Y. | Davis, Minn. | Hubbard | Michalek |
| Bennett, Ky. | Dawson | Huff | Miller |
| Bishop | Denby | Humphrey, Wash. | Minor |
| Bonyuge | Dickson, Ill. | Jenkins | Mondell |
| Boutell | Dixon, Mont. | Jones, Wash. | Mousser |
| Bradley | Dresser | Kahn | Mudd |
| Brick | Dunwell | Keller | Needham |
| Brooks, Colo. | Dwight | Kennedy, Ohio | Nevin |
| Brownlow | Ellis | Kinkaid | Norris |
| Burke, Pa. | Esch | Klepper | Olcott |
| Burke, S. Dak. | Fletcher | Lacey | Olmsted |
| Burton, Del. | Foss | Landis, Chas. B. | Otjen |
| Calder | Foster, Ind. | Landis, Frederick | Overstreet |
| Calderhead | French | Lawrence | Parker |
| Campbell, Kans. | Gaines, W. Va. | Le Fevre | Parsons |
| Campbell, Ohio | Gardner, Mass. | Lilley, Conn. | Payne |
| Capron | Gardner, N. J. | Lilley, Pa. | Perkins |
| Cassel | Gilbert, Ind. | Littauer | Pollard |
| Chapman | Graff | Loud | Reeder |
| Clark, Mo. | Greene | Loudenslager | Reynolds |
| Cocks | Grosvenor | McCall | Rives |
| Conner | Hale | McCleary, Minn. | Roberts |
| Cooper, Pa. | Hamilton | McCreary, Pa. | Samuel |
| Cousins | Haskins | McGavin | Schneebell |
| Cromer | Haugen | McKinlay, Cal. | Scott |

| | | | |
|------------------|----------------|--------------|--------------|
| Sherman | Southard | Tawney | Wanger |
| Sibley | Southwick | Taylor, Ohio | Weeks |
| Smith, Cal. | Sperry | Thomas, Ohio | Weems |
| Smith, Iowa | Stafford | Townsend | Wiley, N. J. |
| Smith, Wm. Alden | Steenerson | Volstead | Wilson |
| Smith, Pa. | Sterling | Wachter | Wood |
| Smyser | Stevens, Minn. | Wadsworth | Young |
| Snapp | Sulloway | Waldo | |

NAYS—87.

| | | | |
|---------------|------------------|------------------|----------------|
| Adamson | Ellerbe | Jones, Va. | Robinson, Ark. |
| Bankhead | Finley | Keliber | Rucker |
| Bartlett | Floyd | Kitchin, Claude | Ruppert |
| Beall, Tex. | Garber | Kitchin, Wm. W. | Russell |
| Bell, Ga. | Garrett | Lamar | Ryan |
| Bowers | Gilbert, Ky. | Lamb | Sheppard |
| Bowie | Gill | Lee | Sims |
| Broussard | Gillespie | Lever | Smith, Md. |
| Brundidge | Goulden | Lindsay | Smith, Tex. |
| Burgess | Granger | Lloyd | Southall |
| Burleson | Gregg | McLain | Stanley |
| Burnett | Griggs | McNary | Sulzer |
| Burton, Ohio | Hardwick | Macon | Talbott |
| Byrd | Hay | Maynard | Taylor, Ala. |
| Candler | Hedlin | Meyer | Trimble |
| Clark, Fla. | Henry, Tex. | Moon, Tenn. | Underwood |
| Clayton | Hill, Miss. | Moore | Wallace |
| Cockran | Houston | Padgett | Webb |
| Cooper, Wis. | Humphreys, Miss. | Patterson, N. C. | Wiley, Ala. |
| Davis, W. Va. | Hunt | Patterson, S. C. | Williams |
| De Armond | James | Pujo | Zenor |
| Dixon, Ind. | Johnson | Richardson, Ala. | |

ANSWERED "PRESENT"—13.

| | | | |
|-------------|---------------|----------|--------|
| Andrus | Gaines, Tenn. | Howard | Spight |
| Burleigh | Glass | Kline | |
| Butler, Pa. | Graham | Pou | |
| Fuller | Gudger | Sparkman | |

NOT VOTING—116.

| | | | |
|---------------|----------------|------------------|------------------|
| Aiken | Flood | Legare | Robertson, La. |
| Allen, Me. | Fordney | Lewis | Rodenberg |
| Ames | Foster, Vt. | Little | Scroggy |
| Babcock | Fowler | Littlefield | Shackleford |
| Bartholdt | Fulkerson | Livingston | Shartel |
| Bede | Gardner, Mich. | Longworth | Sherley |
| Bingham | Garner | Lorimer | Slayden |
| Birdsall | Gillett, Cal. | Lowering | Slomp |
| Blackburn | Gillett, Mass. | McCarthy | Small |
| Bowersock | Goebel | McDermott | Smith, Ill. |
| Brantley | Goldfogle | Marshall | Smith, Ky. |
| Brooks, Tex. | Gronna | Moon, Pa. | Smith, Samuel W. |
| Brown | Hearst | Morrell | Stephens, Tex. |
| Buckman | Hedge | Murdoch | Sullivan, Mass. |
| Butler, Tenn. | Hermann | Murphy | Sullivan, N. Y. |
| Chaney | Hill, Conn. | Page | Thomas, N. C. |
| Cole | Hitt | Palmer | Tirrell |
| Coudrey | Hogg | Patterson, Tenn. | Towne |
| Davey, La. | Hopkins | Peare | Tyndall |
| Dawes | Howell, N. J. | Powers | Van Duzer |
| Deemer | Hughes | Prince | Van Winkle |
| Dovener | Hull | Rainey | Vreeland |
| Draper | Kennedy, Nebr. | Randell, Tex. | Watkins |
| Driscoll | Ketcham | Ransdell, La. | Watson |
| Edwards | Knaap | Reid | Webber |
| Fassett | Knopf | Rhinock | Weisse |
| Field | Knowland | Rhodes | Welborn |
| Fitzgerald | Lafean | Richardson, Ky. | Wharton |
| Flack | Law | Rixey | Woodyard |

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. FOSTER of Vermont with Mr. POU.

Mr. GRAHAM with Mr. PAGE.

Mr. HEDGE with Mr. SPIGHT.

Mr. MOON of Pennsylvania with Mr. WEISSE.

For balance of the day:

Mr. RHODES with Mr. HOPKINS.

Mr. FOWLER with Mr. SHERLEY.

Mr. HOGG with Mr. FITZGERALD.

Mr. COUDREY with Mr. RANSDELL of Louisiana.

Mr. DRISCOLL with Mr. LIVINGSTON.

Mr. COLE with Mr. FLOOD.

Mr. AMES with Mr. WATKINS.

Mr. BARTHOLDT with Mr. DAVEY of Louisiana.

On this vote:

Mr. WATSON with Mr. SULLIVAN of Massachusetts.

Mr. BUTLER of Pennsylvania. Mr. Speaker, on this vote I have a pair with the gentleman from Texas [Mr. GARNER]. I have voted in favor of the rule. I desire to withdraw my vote and be marked "present."

The name of Mr. BUTLER of Pennsylvania was called, and he voted "present."

Mr. MOON of Pennsylvania. Mr. Speaker, I was absent in the committee room in connection with the business of the committee.

The SPEAKER pro tempore. Under the rule, the Chair can only recognize gentlemen who were present when their names were called, listening, and did not hear their names as they were called.

Mr. GAINES of Tennessee. Mr. Speaker, I am paired with the gentleman from Maine [Mr. POWERS]. If he has not voted,

then I desire to withdraw my vote in the negative and to be marked "present."

The name of Mr. GAINES of Tennessee was called, and he voted "present."

The result of the vote was then announced, as above recorded.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I present the conference report on the agricultural appropriation bill.

The SPEAKER. The gentleman from New York presents the conference report of the agricultural appropriation bill.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that the reading of the report may be omitted, and that the statement be read.

The SPEAKER. The gentleman asks unanimous consent that the reading of the report be omitted, and that the statement be read. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 17, 18, 36, 38, 39, 54, 56, 58, 74, 78, 81, 90, 91, 92, 94, 95, 96, 97, 131, 137, and 141.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 11, 14, 15, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 31, 32, 33, 34, 35, 37, 40, 41, 42, 43, 45, 46, 48, 49, 50, 51, 53, 55, 57, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 72, 73, 75, 76, 77, 79, 80, 82, 88, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 129, 132, 133, 134, 136, 138, 139, 140, 142, 143, 144, 148, 149, 151, 154, and 155; and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eighty-nine thousand seven hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "twenty-three thousand four hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and thirteen thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and sixty-three thousand and sixty dollars;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "four hundred and ninety-five thousand two hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 51, after the word "grades," in line 6, strike out the remainder of the amendment and insert "and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nine hundred and nineteen thousand seven hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In line 17,

after the word "advisable," insert the following: "Provided, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out and insert, after the word "necessary," in line 4, the following: "to ascertain the purity of food products and determine what are regarded as adulterations therein;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "two hundred and twenty-one thousand four hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 19 strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "two thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nineteen thousand six hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seventy-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ninety-four thousand six hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nine hundred and seventy-four thousand eight hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "fifty-seven thousand six hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seventy thousand dollars;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "eighty-two thousand five hundred dollars;" and in line 25, on page 90, strike out the words "sixty-five thousand;" and in lieu of the same insert the words "eighty-two thousand five hundred;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its

disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

"The Secretary of Agriculture may authorize the Forester to expend from the funds herein appropriated for 'General expenses, Forest Service,' a sum not to exceed two thousand five hundred dollars in the construction of a permanent station building on the Dismal River Forest Reserve, Nebraska."

And the Senate agree to the same.

Amendments numbered 24, 29, 30, 147, and 153:

On amendments numbered 24, 29, 30, 147, and 153 the committee of conference have been unable to agree.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,

Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
F. M. SIMMONS,

Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 allows an increase of \$580 in the salary of the Solicitor of the Department.

Amendment No. 2 allows the appointment of an inspector, to be under the direction of the Secretary, as confidential agent.

Certain changes were made in the language of the general-expense paragraph of the Bureau of Animal Industry, made necessary by the meat-inspection amendment, which is incorporated into and forms a part of that paragraph. These changes simply avoid duplication, and in no way alter the material provisions of the law.

Amendment No. 31 provides for the employment of two additional clerks at \$1,000 each.

Amendment No. 40 provides for the employment of three additional skilled laborers or messengers at \$480 each.

Amendment No. 47 provides an additional sum of \$30,000 for the use of the Bureau of Plant Industry to extend experiments with rare and new seeds, plants, etc.

Amendment No. 52 makes an appropriation of \$15,000 to permit the Secretary of Agriculture to test grains intended for export, and authorizes him to give certificates of inspection when requested by either the consignor or the consignee of grains which enter interstate or foreign commerce.

Amendments Nos. 60 and 61 provide as follows:

"That the forest-reserve special fund provided for in section five of the act approved February first, nineteen hundred and five, entitled 'An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture,' shall continue until otherwise provided by law; but after June thirtieth, nineteen hundred and eight, it shall not be expended except in accordance with specific estimates of expenditures to be made from said fund for the succeeding fiscal year, to be submitted by the Secretary of Agriculture with the estimates of appropriation in the annual Book of Estimates. That ten per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and six, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than forty per centum of the total income of such county from all other sources."

Amendment No. 64 allows an increase of \$200 to the salary of the property clerk of the Bureau of Chemistry.

Amendment No. 71 allows an increase of \$15,000 to the appropriation for the Bureau of Chemistry, made necessary in part by the loss of the laboratories at San Francisco.

Amendment No. 87 provides an increase of \$7,000 for the lump-sum appropriation for the Bureau of Entomology.

Amendment No. 124 provides for an increase of \$15,000 in the appropriation for the Bureau of Statistics to enable the Secretary of Agriculture to collect and compile data relating to the live-stock interests of the country.

Amendment No. 127 allows an increase of \$3,840 in the appropriation for the Office of Experiment Stations in order to take care of the additional work which will be imposed upon it by the passage of the Adams Act of March 16, 1906.

Amendment No. 134 provides an increase of \$20,000 in the appropriation for irrigation and drainage, your conferees having yielded on this item at the earnest solicitation of Senators and Representatives interested in the work of this office.

Amendment No. 146 provides an increase of \$10,000 for the Office of Public Roads.

In regard to amendment No. 150, the committee of conference was confronted by a peculiar situation and departed from the ordinary and proper province of a conference committee. It was claimed by the conferees on the part of the House that this provision was considered in conjunction with the following one appropriating the same sum (\$65,000) for the eradication of ticks transmitting southern cattle fever, and though the Senate were not in any wise a party to that understanding, it would avoid friction and promote harmony if they were continued the same. The conference committee therefore recommends that the increase of \$35,000 made by the Senate to the gypsy-moth item be divided, and that it stand at \$82,500, and that one-half be added to the appropriation for eradicating the cattle tick, leaving both appropriations at \$82,500. We submit this, stating its irregularity, but recommending that the action of the conferees be approved by the House.

Amendment No. 155 seemed to be made necessary by an error in punctuation in the act of March 16, 1906. This act appropriated to agricultural experiment stations established in accordance with the act of Congress approved March 2, 1887, "five thousand dollars in addition to the sum named in said act for the year ending June 30, 1906." The intention of Congress was to make the first increase of appropriation apply for the fiscal year ending June 30, 1906. The Comptroller of the Treasury decided that the law did not become operative for the year named because of the absence of a comma after the word "act" in the language quoted. To remedy a technical error and to carry out the intention of Congress, and acting in accordance with the suggestion of the Treasury Department, this amendment has been agreed to, making the first appropriation of \$5,000 for each agricultural experiment station for the fiscal year ending June 30, 1906.

On amendments numbered 24, 29, 30, 147, and 153 the committee of conference have been unable to agree.

All other amendments agreed to are immaterial, being either corrections of totals, slight rearrangements of the clerical force, or corrections of punctuation and verbiage, not altering in any way the intents and purposes of the bill as passed by the House.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,

Managers on the part of the House.

Mr. WADSWORTH. I move to agree to the conference report.

The SPEAKER. The gentleman from New York moves that the House do agree to the conference report.

Mr. LLOYD. I would like to ask the gentleman a question. What was done in reference to the appropriation for public roads? Did you accept the Senate amendment?

Mr. WADSWORTH. We divided our judgment on that, sir.

Mr. LLOYD. Mr. Speaker, did the House conferees accept the amendments of the Senate increasing the appropriations for the public roads branch of the service?

Mr. WADSWORTH. No; the difference between the House and Senate was equally divided.

Mr. LLOYD. I am much concerned in this service and indorse the statement of a prominent citizen who said that he could tell the intelligence and progress of the people by the condition of their public roads. The wag on the streets said in reply: "Then judge our people when the weather is dry."

There are several things necessary for road building, such as materials, labor, and skill, but most of all, an enthusiastic public demand. It takes money, and much of it, to build good roads. The people have the money, and if they conclude to spend it in that way, a system of good roads is assured.

There are those who say that the General Government should build the roads, but if so, with the present expenditures in other directions, it is necessary to stop and inquire where the revenue for that purpose is to be obtained. Others say the States should construct the roads. If so, are the people ready to assume the extra burden of taxation which it would impose? The present system is believed by others to be the most advisable and equitable. If so, more money must be raised by local taxation for that purpose if the best results are to be secured. Whatever system may be adopted, the people must meet an increased burden in taxation, and this will be true whether each locality build its own roads or a community plan is adopted.

It is not my purpose in the remarks that I shall make to try

to prove who should build the roads, whether county, State, or General Government, or a combination of two or more of them, but I propose to call attention to what the Federal Government has done, is doing, and what it may do to encourage road improvement.

There is at present, under the direction of the Secretary of Agriculture, a Department of Public Roads. In my judgment it is one of the most important branches of public service, and from it incalculable benefit may come. This great service thus far has been somewhat overlooked, as I see it. Its work has not been fully known or properly appreciated. The people have not urged its enlargement because the scope of its work was not understood. It has been allowed to struggle along with hardly money enough to sustain its existence and with little to expand its work. This branch of service began by establishing a Bureau of Literature by collecting such information as might be gathered affecting the subject of road building and by publishing and distributing to the country such publications as would give information to the general public on the subject of road construction. It employed several road engineers, who have been devoting their time and energy to the testing of road materials and to experimenting with various kinds of road work. Their object has been to find what are the best and cheapest road materials for given localities with their varying conditions of soil, subsoil, and atmospheric phenomena.

One of the most important, and, I believe, most helpful, parts of this service has been the construction of experimental roads in different localities of the United States, which serve as examples of the progress which has been made and gives opportunity to test the practical applications of the scientific researches which that branch of the service has made on the subject of road building.

One of the ills which affects our localities is the fact that our road officers, who in most instances are our best citizens, have little practical knowledge of road building. With the very small amount of money at their command, about all they can do is to engage in what may be termed "patchwork." In the States of the Mississippi Valley, where the people are dependent almost wholly upon dirt roads, this condition exists. I have no reflection to make upon these men, for their work is, to a great extent, patriotic in its character, and is not assumed for the purpose of personal profit. Vast amounts of money are, and must be, expended which, in many instances, do but little, if any, good to the permanent condition of the roads. Any information which could be utilized by these men or would arouse public sentiment to such an extent as that the people would determine to expend more money in each locality for genuine and permanent road building would be welcome, I am sure, by the men who are now responsible for the work that is done on the roads of this country. Most of them I am sure would greatly appreciate any system of instruction which might be given that would assist them in the better discharge of their duty.

It is a complaint frequently made that there is too little of what might be termed permanent work and too much of a temporary character. It is argued with much reason that our road officials should apply more of the funds at their command to the construction of a complete road and less of it to temporary improvements. It is not my purpose, however, to devote myself to the objections to the present system, but to impress, if I may, the fact that out of the public roads department of the General Government may come practical benefit to road overseers and those in charge of the public highways. This service, like almost any other, has grown to be a specialty, and the more it is regarded as a specialty the more necessity will be seen for specialists in this line. One of the chief aims of the Government's service is to furnish engineers who are fully equipped to give instruction to the country on the various questions connected with the public-road system and its maintenance. It is not known now that in numerous cases those in charge of public roads could get much information of practical benefit where extraordinary conditions are met, either in low or marshy districts, in the hill country or level prairie, if they would confer with Government officials about the conditions and kind of road to be improved, the amount of money and labor that could be expended on the improvement. These officials would gladly assist the road overseer in solving the problems and in making superior roads where it is now almost impossible to do so with the information at hand.

With the amount of money now appropriated experimental roads can not be built in every locality. In fact, it is impossible, with the present funds, to make a single test road of a mile's length in each State during the year. By the time the officers are paid, the equipments furnished, the literature distributed, the laboratory work performed, the scientific investigations and tests of soil made, one can readily see that but a very small

sum would remain to be used in experimental road building. I believe in the development of this service. I would increase the appropriation with each succeeding year until the country is furnished the expert information and experimental roads which are necessary to inform and instruct the public on this great subject.

It may be inquired, What good will experimental roads do? as they will be built for so short a distance in any one locality? This ought not to be true. The locality will have a test in its midst of the expert knowledge of the Government's engineer and a practical demonstration of what may be done in the construction of a permanent road. Then the community may take it up and prosecute the work as they can secure the means to do so.

The object lesson is before the public. The inspiration for road building is given in the improved condition where the road is built. Its defects will be ascertained, and other work may be simplified and cheapened. Nothing in these progressive days is developed without thought and energy. A short time since I attended the hearings before the Senate Interstate Commerce Committee of prominent railroad men. They were there to discuss the great question of railroad rates and the supervision to be properly exercised over them by the General Government. It is astounding to hear of their vast fund of detailed information. There seems to be nothing connected with the business of the railway that has not been taken into the account. If we could have a few men in each section of our country who understood the building of highways and their maintenance as well as the railroad experts have mastered the question of railroad construction and maintenance, the question of how to build roads would easily be settled. The best public roads can no more be built without expert knowledge and matured plans than can a railroad. The railroads take the place of the great thoroughfares. Prior to the period of the railroads the people were concerned for great interstate highways to span the country. Once such highway was begun at Washington and built west for several hundred miles, but the necessity for these great arteries of commerce no longer exist. The railroad has superseded them. The important question now is how to reach the railroads with the products of the country. Not a pound of freight reaches a train without the employment of other means of transportation. Of the 300,000,000 tons of the products of the farm which reach the railway for transportation annually there has been an average haul of over 12 miles by some other kind of conveyance, and a very large per cent of that has been carried over dirt roads.

A careful estimate made by the department of public roads shows that the conveyance of each ton of farm products cost \$3, or that nearly \$1,000,000,000 is expended in getting the crop of the American farmer to the railroad. This is a far greater sum than is given to the railroads for carrying the same products; in fact, more than twice the sum that is paid them. Think of this appalling fact. The people are now interested in railroad rates and concerned for their proper regulation, but how important that proper interest be taken in the question of the public roads. As an example, 40 bushels of wheat may be hauled 12 miles to a railroad station. It takes a day, a hand, and a team to carry it. This service is worth \$2.25 to \$2.50 per day. The team is fed and the hand buys his dinner, which, together, makes the expense 75 cents more, so that it will take \$3 to get 40 bushels of wheat to the train. It is shipped from the railroad station, say, 300 miles to market, and this shipment will cost a less sum than it took to get the 40 bushels of wheat to the railroad station. This initial expense should be reduced, and the best way to reduce it is to perfect the road system. The railroads spend millions of dollars each year in repairing and building up their tracks, and a constant outlay of money is made to better the condition of the roadbeds. Anything like the same interest in public roads would result in a perfected system, and then at least twice as much would be hauled over the public highways as is now carried over them. Instead of paying \$3 for hauling the 40 bushels of wheat, 80 bushels could be delivered for the same price. It is safe to say that a perfected road system would save at least 40 per cent of the expense of getting what the farmer raises to the train for transportation. This would amount to over \$400,000,000 annually, and is a saving worthy of serious consideration. This is no overdrawn picture, as the public road inquiries and Interstate Commerce Commission have plainly shown.

To secure the perfected road system is no easy task. It can only be secured by persistent agitation. Until the people will it by a determined expression, no great advance will be made in this important work. One man, however serious, can not build them. Others must be interested in order to accomplish it. If the people could be aroused to the necessity of this

achievement, the plan would be evolved. The individual controls the community. Localities influence the counties, the counties determine the action of the State, and the States affect the General Government. Without the individual interest and effort it need not be expected to interest the county, State, or Federal Government.

There are many things that can be accomplished by the individual, but as such he can not build the roads of the country. He might build them around his own farm, but this would be the extent of his jurisdiction. He could not compel his neighbor to do likewise.

It seems to me that there is a misconception of the parties to be interested and benefited by road improvement. Many persons seem to think that the construction of highways is a benefit only to the farmer. He receives more primary benefit, it is true, than any other class or business interest, but every commercial and industrial enterprise is dependent at last upon the success of the farmer. Prosperous farmers make prosperous communities, and everything falls to pieces when the farmer fails. Many business enterprises have already realized this principle, and have shown a disposition to encourage and foster the idea of road development. The railroad companies are taking more interest, perhaps, in public roads than any other class of business, except the bicycle and automobile manufacturers and dealers. The railroad are, in a practical sense, public highways in the nature of toll roads, but they expend millions of dollars annually in perfecting their roadbeds and in adding to the efficiency of the service they render the public. It would be well for all classes of people to profit by this example, and to make the public roads equally well fitted for highways of commerce. The wholesale merchant, the retail dealer, the manufacturer, and the miner are alike interested in the question of good roads. The business of each is dependent largely on them, but every class or condition, whether in business or out, resident of country or city, is the beneficiary of a perfected road system, and should, by vote and financial contribution, encourage the perfection of our highways.

Ten years ago rural free delivery of mail was considered impractical and almost impossible of achievement. Now it is a fixed part of the postal system; and where can be found any considerable number of people who would discontinue this important branch of service? So it would be with road improvement after it had been accomplished. Like the rural mail, it would be considered indispensable, and but few could be found who would then turn back the tide of progress and restore the road condition of to-day.

One step in this onward movement is to encourage the development of the road department of the Agriculture branch of the Government by enlarging the scope of its labors, increasing its force of expert engineers and specialists, and bringing it more in touch with the people, so that they can receive more of its benefit by practical demonstration of its real value.

As Americans we are proud of our country and we rejoice in its achievements. We are filled with patriotic fervor when we think of its progress; but in road building we are behind the procession and are not keeping pace with the achievement of other countries. We have the finest and best-equipped railroads, with a service to the public which surpasses that of any country on the globe, but the local highways, which are lateral roadways leading to the railroads, are in many cases entirely neglected. It is strange, also, to observe that but little real dissatisfaction seems to assert itself on account of this condition. I can not understand why there is not a real spirit and an enthusiastic sentiment in favor of a better road system. Men who are wide-awake in other regards seem to have no interest in this situation. It depends upon the people, after all. Their demands will be met in legislation and practical endeavor if they are earnestly and unitedly made. A system of highways should be constructed, in my judgment, which is not surpassed by any civilized country. Such a system would result in the advancement of the business interests of the people, happiness and comfort would be better secured, a greater concern for education would be brought about, and a loftier moral and religious sentiment ought to pervade the country.

Mr. UNDERWOOD. I would like to ask the gentleman from New York a question.

Mr. WADSWORTH. I yield to the gentleman.

Mr. UNDERWOOD. This is not a full agreement, is it?

Mr. WADSWORTH. It is not.

Mr. UNDERWOOD. It does not include the meat-inspection clause?

Mr. WADSWORTH. It does not include the meat-inspection clause.

Mr. COCKRAN. Do I understand the gentleman to say it includes it?

Mr. WADSWORTH. It does not. That is still in disagreement.

The question was taken; and the conference report was agreed to.

Mr. WADSWORTH. Mr. Speaker, I move now to further insist on amendments 24, 29, 30, 147, and 153. The amendments relate to the meat-inspection clause, and the question of certain totals incidental to the meat-inspection clause.

Mr. WILLIAMS. Do I understand that applies to amendment 29?

Mr. WADSWORTH. I move to further insist on amendment 29.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. One moment. Let us get the motion straight.

Mr. WADSWORTH. I will repeat it. I move to further insist on amendments 24, 29, 30, 147, and 153.

Mr. WILLIAMS. Now, Mr. Speaker—

The SPEAKER. Wait a minute.

Mr. WILLIAMS. I would like to have a separate vote upon each of these.

The SPEAKER. The gentleman asks a separate vote. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment 24, page 12, lines 6 and 7, after the word "million," strike out the words "five hundred and seventy-five thousand" and insert in lieu thereof "six hundred and seventy-seven thousand two hundred."

Mr. WADSWORTH. Mr. Speaker, let me simply state that this is a question of totals, which will have to depend upon the adoption of the meat-inspection paragraph.

The SPEAKER. Without objection, the motion as to that amendment will be agreed to. The Chair hears no objection.

The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 29, page 15, after line 12, insert: "That the Secretary of Agriculture shall cause to be made, by inspectors"—

Mr. WADSWORTH. That amendment is the meat-inspection paragraph.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. One moment. Twenty-nine is the House provision, is it?

Mr. WADSWORTH. It is.

The SPEAKER. The motion of the gentleman from New York, it seems to the Chair, would be that we insist upon the House amendment.

Mr. WADSWORTH. That is my motion.

Mr. DAVIS of Minnesota. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. DAVIS of Minnesota. Can I have a little time to make a statement? I desire at this time—

Mr. WADSWORTH. How much time does the gentleman desire?

Mr. DAVIS of Minnesota. I desire at this time to move that the House recede from its amendment and substitute amendment 29; and in that connection I desire to offer as a substitute therefor the following proposition, which I understand has been offered by the Senate conferees to the House conferees, and offer it as a substitute.

Mr. WADSWORTH. I make the point of order against that, Mr. Speaker, that it is new matter that has not been considered by either House.

Mr. SULZER. You can not determine that until it is read. Let us have it read.

Mr. WILLIAMS. I ask for order.

Mr. WADSWORTH. I have not yielded the floor, Mr. Speaker.

The SPEAKER. There are only two motions in order. One is to insist and the other is to recede, and still—

Mr. DAVIS of Minnesota. I move to concur in the Senate amendment with an amendment.

Mr. WADSWORTH. I do not yield to the amendment.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The House can not very well recede and agree to its own amendment.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker. I have understood the Chair to say that only two motions would be in order. Would it not also be in order, in addition to the two motions which the Chair has suggested, to instruct the conferees in any manner indicated in the motion?

The SPEAKER. Oh, undoubtedly that would be in order, but not until after we had consented to the conference. That would be the time for that.

Mr. WADSWORTH. That opportunity will come to the gentleman from Mississippi later.

Mr. BOWIE. Mr. Speaker, a parliamentary inquiry. Would not a motion to instruct the House conferees to agree to section 29 as amended by the House, with an amendment, take precedence over the motion which the gentleman from New York has just made?

The SPEAKER. Without passing on the parliamentary inquiry, or upon anything that might be presented until it is presented, instructions are only in order after we have asked or agreed to a conference. At that point they would be in order.

Mr. WADSWORTH. Mr. Speaker, I insist upon my motion.

Mr. UNDERWOOD. Mr. Speaker, I understand the motion of the gentleman from Minnesota [Mr. DAVIS] is to recede from the disagreement to the Senate amendment, and to concur in it with an amendment; and as I understand the rules, the House being in disagreement with the Senate, that motion has a tendency to bring the two Houses together more quickly.

The SPEAKER. The gentleman will pardon the Chair. We concurred in the Senate amendment with an amendment to which they have disagreed. The Chair understands the rule to be that the House in the present condition can only insist or recede. With the consent of the House, the Chair will have the following read.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will pardon me—

The SPEAKER. The Clerk will read.

The Clerk read as follows:

But the House can not recede from or insist on its own amendment with an amendment, for the same reason that it can not send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the House by ingrafting an amendment on it, because they have never assented to it; but they can not amend their own amendment, because they have, on the question, passed it in that form. (9 Grey, 363; 10 Grey, 240.) In Senate, March 29, 1798. Nor, where one House has adhered to their amendment and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence. (Jefferson's Manual, Sec. XLV.)

The SPEAKER. And so far as the Chair is informed and believes, these precedents have been followed by both the Senate and House.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will pardon me a moment, I understand we can not amend the amendment that we made to the Senate amendment, but I understand the motion of the gentleman from Minnesota [Mr. DAVIS] is that we recede from our amendment to the Senate amendment, which, of course, we have a right to do, or the two Houses could not get together; and if we can recede from our amendment to the Senate amendment, then it is in order to concur in the Senate amendment, as much so as it would be originally; and if we can concur in the Senate amendment, we can do so with an amendment.

The SPEAKER. But we have already concurred in the Senate amendment with an amendment.

Mr. UNDERWOOD. We can recede from it.

The SPEAKER. If we recede now from the amendment of the House, it leaves the Senate amendment concurred in, and that is the end of the whole matter.

Mr. UNDERWOOD. The point I make is that we can recede from the amendment that we put on the Senate amendment, as the Senate has not accepted it; and then it is in order, after we have receded from our amendment to the Senate amendment, to concur in the Senate amendment with another amendment.

The SPEAKER. Not at all. We have already concurred in the Senate amendment with an amendment, and the Senate has disagreed to our amendment, and we can not change the issue without the consent of the Senate, and perhaps not even with the consent of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.

The message also announced that the Senate had agreed to the report of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

AGRICULTURAL APPROPRIATION BILL.

Mr. WILLIAMS. Mr. Speaker—

Mr. WADSWORTH. What is the purpose of the gentleman?

Mr. WILLIAMS. I want to make a motion to recede from the House amendment and concur in the Senate amendment of the original bill with an amendment.

Mr. WADSWORTH. I make a point of order against that; I do not yield for that purpose.

The SPEAKER. Has the gentleman from Minnesota abandoned his motion?

Mr. DAVIS of Minnesota. No, Mr. Speaker, I have not, unless parliamentary law and the rules of the House prohibit me from pressing it further. I desire for the House to recede from its amendment to the Senate amendment 29 and concur in Senate amendment 29 with an amendment.

Mr. WADSWORTH. I make a point of order against that.

Mr. DAVIS of Minnesota. If the point of order be sustained, I am powerless.

The SPEAKER. The Chair sustains the point of order.

Mr. WADSWORTH. Now, Mr. Speaker, I insist on my motion that we further insist on the disagreement to amendment 29.

The SPEAKER. The gentleman from New York moves to further insist on the disagreement to amendment 29.

Mr. SULZER. Can it be reported, Mr. Speaker?

The SPEAKER. It is 15 pages in length; it is what is known as the meat inspection, and it can not be reported again unless by unanimous consent.

Mr. BOWIE. Will it be in order to make a motion to instruct the conferees?

Mr. BURLISON. Later there will be a proposition and then there will be a square show down.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 175, noes 43.

So the motion was agreed to.

Mr. WILLIAMS. Now, Mr. Speaker, I move—

The SPEAKER. But there are still amendments undisposed of.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement to amendment No. 30.

The Clerk read the amendment.

The motion was agreed to.

The Clerk read the next amendment, No. 147.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The Clerk read Senate amendment No. 153.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

Mr. WADSWORTH. Mr. Speaker, I now move that the House agree to the further conference asked for by the Senate.

The motion was agreed to.

Mr. WADSWORTH. Mr. Speaker, I send the following resolution to the desk.

The Clerk read as follows:

Resolved, That it is the sense of the House that the conferees should not recede from House amendment to the Senate amendment No. 29, relating to meat inspection.

Mr. WADSWORTH. On that I move the previous question.

The SPEAKER. The previous question would cut off debate. The gentleman is entitled to an hour.

Mr. WADSWORTH. Then I withdraw the demand for the previous question. I thought under that demand we were entitled to twenty minutes on a side.

Mr. WILLIAMS. I wish to ask the gentleman from New York whether he is going to give us an opportunity to offer a substitute for the motion he has just made.

Mr. WADSWORTH. A substitute with additional matter is out of order at any time.

Mr. WILLIAMS. A substitute for the same matter.

The SPEAKER. The gentleman from New York has the floor for one hour.

Mr. WADSWORTH. I propose to divide the hour, giving the other side one-half of the time. I want to make one statement. The question between the two Houses is on the question of label and who shall pay the cost of inspection, the Government or the factory. Mr. Speaker, before the Committee on Agriculture all the testimony that we could gather on the point was to the effect that canned goods, so long as the can was not injured by accident, so long as the air did not get into it, would keep indefinitely. So long as the can remains intact the goods would not be spoiled. We had some very interesting testimony

in regard to that before the committee. For instance, in the case of a woman who moved with her parents to Kansas in the early days, the mother loaded up a lot of canned goods which she had put up herself, and seven years afterwards in Kansas those goods were consumed.

The Speaker himself has informed some of us that some canned goods put up in his family five or six years ago are still being consumed. Now, if you put the date on the label, you simply put an impediment to American commerce. These goods are sent all over the world. They are dealt in by the retail dealer and by the wholesale dealer. The retail dealer has a supply on hand. I do not want to take up all the time, but I just want to assure this House that all of the evidence before our committee was to the effect that canned goods remained perfect so long as the can itself remains perfect. The minute the can is made imperfect by a blow or a puncture of some kind, those goods are spoiled, and, so far as the meat goods are concerned, they smell to high heaven. No man need trouble himself about any danger to health from spoiled canned meat.

On the question of the cost I stand simply on this proposition: There are two objects which demand the passage of this bill. First, the protection of our foreign commerce. That certainly is a legitimate Government expenditure. It is just as legitimate as the deepening of harbors and rivers for the furtherance of American commerce. The second proposition is for the benefit of the public health. That is a Government function, and a justified Government expenditure. That, briefly stated, is the platform upon which I stand in regard to this expenditure. Mr. Speaker, we are maintaining to-day a quarantine line from the Atlantic almost to the Pacific against the cattle tick prevalent on southern cattle. That is for the public good. Would it be justice to turn to these cattle owners and tell them that they have got to pay the cost of that quarantine, because they are a menace to the public good? You might go further and take up the agricultural appropriation bill and carry it a little further and say that the benefit that comes from the investigations of the Bureau of Plant Industry ought to be charged to the plant growers; that the appropriation made for the benefit of irrigation ought to be charged to those people in the arid West, and so on indefinitely. I do not want to take up any further time, because there are some other gentlemen who want to speak on this side. Briefly, that is my judgment on this question.

Mr. HINSHAW. I would like to know whether the Committee on Agriculture took testimony to show what would be the ultimate result of taxing the packers, whether the producers of the cattle throughout the great West would bear that expense or the packers themselves.

Mr. WADSWORTH. Undoubtedly the producer and the consumer would pay. In other words, the United States would pay. What difference does it make whether the Government pays it or the consumer or the packer or the producer? It is all the same. We are all to pay taxes for it.

Mr. COCKRAN. Then what is the objection, if it makes no difference?

Mr. WADSWORTH. Here is a can put up in 1885, and the gentleman who brought it here, representing the Franco-German Soup Company, of Jersey City, says if any Member of this House will take that can down and use it and it is not just as good as this one just made he will waive all objections to putting the date on the can.

Mr. HUMPHREY of Washington. If this does not make any difference, what is the objection, to repeat the question of the gentleman from New York [Mr. COCKRAN]?

Mr. WADSWORTH. Mr. Speaker, I now yield half an hour to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, I do not propose to consume much of this time, but desire to make one simple statement as a member of the Agricultural Committee and as one of the House conferees on this bill. There is no necessity for discussing this matter of the date on the cans and labels. I do not think there were three votes in our committee for that proposition, and we are agreed here upon that question. But upon the question of who shall pay the cost of inspection this House is certainly divided in its judgment. Of course being instructed by the vote that was given in this House a few days ago, when we had no opportunity to discuss the question, I voted with my colleagues, the conferees; but now, having come back to the House, I feel at liberty to express my own individual views on this question.

The Senate conferees disagreed with us. After a long conference, discussing this matter for days, they offered an amendment to the bill, and it is almost in the identical language of the amendment that I sent to the Clerk's desk and had read when this bill was reported, though there was no conference

between any Senator and myself on that subject. What will you do with this cost? Do you propose to tie the hands of your conferees and thus defeat the entire bill? Will you saddle the people of this country, one-third of whom do not consume any of these products, with all the cost of inspection, or will you put half of it at least upon the packers?

Mr. GILBERT of Kentucky. What is the gentleman's position?

Mr. LAMB. My position is that the packers pay half the cost.

Mr. COCKRAN. Why not have them pay all of it?

Mr. LAMB. This would be as well, perhaps; but inasmuch as the Government pays the cost of foreign inspection now, the minority of the committee thought the packers should be made to pay that part of the cost made necessary by their own neglect and bad methods. I hope we will yet find some way to make them pay this cost, either in this or some other Congress.

I yield five minutes to the gentleman from Minnesota [Mr. DAVIS].

The SPEAKER. How much time does the gentleman yield?

Mr. LAMB. Five minutes.

Mr. DAVIS of Minnesota. Mr. Speaker, in the Committee on Agriculture there was, at least in numbers, a respectable number who did not agree with the majority report. Many questions were debated, discussed, and considered by the committee. The views of the minority were usually given but slight consideration, at least upon the important questions. We of the minority expected, and in fact had promised, that when the committee substitute for Senate amendment No. 29 was brought before the House that we would have an opportunity to fully discuss the same and offer amendments thereto. Thus far the minority have had no opportunity to offer amendments upon these propositions. The chairman of the committee, and I do not allude to him now with anything but the highest respect and regard, says that all the evidence that was offered before the committee on the subject of dating the labels which were to be placed upon the cans was to the effect that the food product contained therein was just as good after a series of five or ten years as it was that day the product was put in the can. I respectfully dissent from the statement. The only evidence that I heard upon that subject in favor of the chairman's proposition was given by a lady newspaper reporter, who testified or stated in a very fascinating manner her experience in her younger days in putting up canned fruits and tomatoes. I will say, however, that at that juncture and at the request of some of the minority members of the committee, Doctor Wiley, Chief of the Bureau of Chemistry of the Agricultural Department, was called up over the telephone by the gentleman from Alabama [Mr. BOWIE], a member of the committee. The substance of his response, as given to us by the gentleman from Alabama [Mr. BOWIE], was that "Canned goods are affected by the can and other processes from the day they are placed in the can;" but in his judgment they do not seriously affect health if they were properly sterilized and hermetically sealed until after the expiration of two years or possibly three years, and after the expiration of that time he thought the food might be deleterious to health.

That, Mr. Chairman, is the only evidence that I know of, except the talk of members of the committee on the subject, of what effect time had upon the product contained in the can. If I am mistaken, I will allow the gentleman from Alabama [Mr. BOWIE], a member of the committee, to correct me. I am not, Mr. Speaker, particularly insisting upon the date being placed upon the label going upon the can. I am not here for that purpose. Yet, in my judgment, the manufacture of canned goods should stand upon the same basis as the manufacture of a hat or suit of clothes or other commodity that lies upon the country merchant's table and becomes out of date, and hence of less value than the new article just placed there.

Mr. GILBERT of Kentucky. Will the gentleman allow me to ask a question?

Mr. DAVIS of Minnesota. Certainly.

Mr. GILBERT of Kentucky. The chairman of the committee, the gentleman from New York, and yourself, and all the other members of the committee so far as I am able to ascertain, concede the main proposition, and that is after the goods have been canned up exposure to the atmosphere will deteriorate the quality of the goods. Now, is not the purchaser entitled to know the length of time that the goods have been canned in order that he may ascertain the probabilities of perforation and atmospheric exposure?

Mr. DAVIS of Minnesota. I certainly think so, and especially so in view of the statement of Doctor Wiley, of the Bureau of Chemistry. Now, Mr. Speaker, on the subject of cost. I represent an agricultural constituency, and at the same time I have contained within the borders of my district the third or fourth

largest meat packing and slaughtering institution in the United States at South St. Paul, Minn.—Swift, Armour & Co.'s magnificent plant—and I am proud of it, and I wish to say that, after having visited that plant on several occasions, I was surprised at the testimony of Mr. Neill and Mr. Reynolds, and especially so if that statement was to be in any way a reproach upon the South St. Paul institution.

Of course I knew nothing about Chicago packing and slaughtering plants; therefore I leave the report for what it is worth as to them. But, Mr. Speaker, on the subject of cost I have contended in the committee, and I shall upon the floor of this House, that the person or persons, men or set of men, who cause any trouble or any damage should pay that cost and expense of needed inspections. I am in favor of and have always advocated that, in the first instance, in order that we might have the best possible inspection and in order that the Secretary of Agriculture should not in any way be hampered by the lack of funds, the Government should supply sufficient to pay all expense.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. I would ask the gentleman from Virginia if he would give me a few more minutes.

Mr. LAMB. I wish I could.

Mr. DAVIS of Minnesota. Give me three minutes more, or two minutes, on the subject of cost.

Mr. LAMB. I will yield two minutes.

Mr. DAVIS of Minnesota. As I was saying, the Government should furnish the funds to make the inspection, as the President says, from the hoof to the can. In other words, when the animal is brought into the stock yards, that the Government inspect it ante-mortem, and inspect the carcass and give it all other necessary inspection, even microscopic if deemed proper; and when such carcass is hanging in the cooling room, if anyone takes that pure carcass and transfers any portion of it to any other department, puts it into cans, cuts it up and mixes it with any ingredients, preservatives, or coloring matter, thereby causing expense in the way of subsequent inspection, the man or company who does that should pay that part of the expense.

Now, Mr. Speaker, I am informed that a proposition has been submitted by the Senate conferees virtually embodying that proposition, namely, that subsequent inspection of meat food products be paid for by the parties who do the canning, and it is embodied in the following, which I read, and ask that the conferees be directed to use their influence, at least in the next conference, to accept and adopt this idea, if not the exact words:

The entire cost of inspection shall be paid from this appropriation, but to reimburse the Treasury for the expense incurred for the inspection of meat food products subsequent to the inspection of the live animal and carcass the Secretary of the Treasury shall, upon the return of the Secretary of Agriculture of the number of animals inspected and examined under the provisions of this act, collect and deposit in the Treasury a fee of 5 cents each for every carcass of cattle inspected and examined and 3 cents for each carcass of sheep, swine, and goats so inspected and examined, and he shall publish the necessary rules and regulations for carrying out this provision.

Summed up, this means that the packer pays the expense for inspecting his canned meat food products, and that the Government pays the cost of inspecting the live animal and the carcass post-mortem, 92 per cent of which is consumed as fresh meats and 8 per cent is put in the canning factory and has caused all of this trouble. [Applause.]

Mr. LAMB. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. Bowie].

[Mr. BOWIE addressed the House. See Appendix.]

Mr. WADSWORTH. How much time has the gentleman from Virginia left?

Mr. LAMB. Will my friend use a portion of his time?

Mr. WADSWORTH. I yield four minutes to the gentleman from Texas [Mr. Burleson].

Mr. BURLESON. Mr. Speaker, coming from a State largely interested in the production of cattle, sheep, hogs, and goats, I probably look at the issue now before the House from the standpoint of one interested in the stock grower. As far as I am concerned, speaking for that class, you can not make inspection of meats prepared for home or foreign consumption too rigid or too thorough and comprehensive. I have no particular interest in the packeries of this country, but I believe, upon reflection, everyone will admit, Mr. Speaker, the statement made by the gentleman from Alabama was a little extreme, if not unfair and misleading. He speaks of the reports of the inspectors—the Executive inspectors being justified by the conditions that were found in the packeries. He speaks of the packeries in such a way as to embrace them all within the scope of his remarks—is he justified in doing so when it is not claimed that these inspectors went to any point other than Chicago? Mr. Speaker, there are packeries in St. Joe, Kansas City, New York, Fort

Worth, Tex., and many other points in the United States that were never visited by these inspectors, and about which they have not and can not say one single derogatory word. Careless statements like these, though unintentionally made, are results in great injury, just as this hysterical crusade has resulted in incalculable injury to the stock grower with no original intent to do him harm.

Mr. Speaker, there is no tie of brotherly love and affection between the cattle grower and the beef packer. We have not felt very kindly toward him in the past when he was engaged in depressing the price of our product. If the President of the United States had directed his energy to the prosecution of those monopolists for putting down the price of our beef, we would gladly acclaim him a faithful and efficient Executive; but when he recklessly or through spite strikes a blow in the dark, which tends to materially injure, if not to destroy, an industry that is so closely linked with the industry of cattle growing, that as a result the interest of the stock grower is seriously menaced, then we protest. We have a right to do so.

I say, Mr. Speaker, and I say it with perfect candor, if I thought we could successfully do so I would put this cost on the packer. But, Mr. Speaker, I assert, and I assert it without any disrespect to my friend from Alabama or my friend from Virginia, any man that has as much sense as a mullet must know that this can not be done. Every man of sense knows if an attempt to put this charge upon the packer is made he will immediately shift the burden onto the shoulders of the grower of cattle and the consumer of beef. [Loud applause.]

Mr. BOWIE. Now, right there, if the gentleman will allow me.

Mr. BURLESON. I have not time or I would yield with pleasure.

Mr. BOWIE. Would you exempt them from all State, municipal, and city taxation because they can put that, too, onto the shoulders of the consumers eventually?

Mr. BURLESON. That is misleading, but, in fact, those charges do affect the price paid to the grower by the packer, as every man here knows.

Now, Mr. Speaker, where should this tax be levied? Shall it be nominally placed on the packer, to be at once by him shifted to the producer, a narrow class, or shall this charge for meat inspection, which is claimed to be done in the interest of the public health, be placed upon the Government, to be paid by all the people? Shall it be so levied that the burden of paying it will fall on a limited few—the stock growers—or is it right and just and fair that for this inspection made at the demand of the people, for the people, be paid by the people?

Mr. JAMES. Will the gentleman yield for a question?

Mr. BURLESON. Is not that right? Is not that just? Who can contend to the contrary?

Mr. Speaker, I will not be deterred from performing a solemn obligation that is placed upon me to discharge my duty to the people I represent, as I see it, by the fear that the charge will be printed in some yellow newspaper or an insinuation made by some miserable slanderer that I spoke in behalf of or supported the interest of the beef trust. Not one bit of it!

Mr. JAMES. Will the gentleman yield for a question?

Mr. BURLESON. Mr. Speaker, I would be glad to yield to my able and distinguished friend from Kentucky [Mr. James], but the fact that I speak under a time limit constrains me to decline.

I think no one here will attempt to gainsay the proposition that the beef trust magnates or monopolists are human. No man will claim that they are not controlled by the same motives and purposes that control other men. If you attempt to levy this tax on these packers, is it not natural, is it not the thing that we would do if we were in their place, is it not what we can surely expect that they promptly shift the burden upon the grower of cattle in the first place, and then, having collected probably double from him, in order to be dead sure that they sustain no loss, then shift it onto the consumer and make them pay also? [Applause.]

Another reason why we should place this charge upon the Government, and I think this should be a controlling reason with every man who wants inspection—genuine inspection, the best inspection—is that if the Government pays the inspection that official, as is natural, will feel primarily beholden to the Government, and hence will feel it incumbent to discharge his full obligation to his employer by the careful discharge of his official duties. But how would it be if the inspectors knew that whereas they were nominally employed by the Government, they were really being paid by the packers? Do you believe under this condition inspection would be so efficient?

Mr. LEVER. Mr. Speaker, in the few minutes I have it is

impossible for me to do more than state the general principles which have moved me in the course I have taken in this legislation.

The only issue under consideration this evening is, Who shall pay the cost of inspection of meat food and meat-food products? All other propositions in the bill have been agreed upon.

We must assume that this legislation is either in the interest of the beef trust or it is in the interest of the general public. We are either legislating for a private interest or for the protection of the health of the general public. If this legislation is predicated upon the idea of favor to the beef trust, then, as Democrats, we are estopped from legislating at all, for, as a party, we have always stood against legislation in behalf of special interests, trusts, and combinations. [Applause.] If the legislation is in the interest of the general welfare, then the general public ought to bear the burden of the cost of inspection. [Applause.]

This legislation is either a proper exercise of the governmental function or it is not; and if it is an exercise of the governmental function, then the Government ought to be willing to pay for the exercise of its prerogative. I take the position that no government has the right to legislate in the interest of its people and then require some special interest to bear the burden of executing its legislation. If the Government has the right to legislate in the first instance, I think no one can deny that it ought, as a matter of right and principle, assume the cost of putting this legislation into operation. No Democrat can assail this position.

Suppose we put the cost of inspection upon the packers, will they pay it in the end, or will it come out of the people? It is admitted by everyone that the beef trust controls the price of beef and beef cattle, and this being true, it must follow, as the night the day, that whatever additional burdens are placed upon its business will in the end be charged up against the cattle raisers of the country on the one hand and the consumers of beef products on the other.

The doctrine that the consumer pays the tax is as old as the Democratic party. It is the Democratic position on the tariff, it is the Democratic position on every fiscal issue that arises in this country. [Applause.] I sat here yesterday and listened to the gentleman from Missouri [Mr. De ARMOND], in debating another question, argue that the consumer paid the tax. I said "Amen!" to him, because he was right; and if he was right yesterday in assuming that the consumer paid the tax, then I am right to-day in making the same assumption. It seems to me that a man with a thimbleful of brains must know that if we put the cost of inspection upon the packers the packers will recoup themselves out of the cattle raisers on the one hand and out of the consumers on the other to the tune of three or four times as much as the cost of inspection, for we give them the excuse to do so. [Applause.] They would catch them coming and going, as my friend suggests, like the negro's fish trap. It is true that Mr. Wilson, the paid representative of the packers, entered a most vigorous, if not violent, protest against the idea of the packers having to pay the cost of inspection, and when he was asked the question whether the packers would not in the end place the burden of inspection upon the cattle grower, he replied in substance that this could not be done; and yet, Mr. Speaker, when we take into consideration the fact that the packers fix the price of beef and beef cattle, and that the packers are not in this business for the fun of it, but for the money there is in it, I must be allowed to take the statement of Mr. Wilson with a good many grains of salt. I shall not accept the statement of Mr. Wilson as to this matter when the fact is notorious that the price of cattle and beef is fixed arbitrarily by the beef trust. In my judgment, the packers, while protesting with their mouths against this proposition, in their hearts would be glad for us to place upon them the burden of inspection in order that they might have an excuse to further skin the American public. [Applause.]

I put against the testimony of Mr. Beef Packer Wilson the testimony of another Wilson—the Hon. James Wilson, Secretary of Agriculture, the representative, not of any special interest, but of the general public. The statement of Secretary Wilson must be valuable, because it emanates from a source presumed to be absolutely unbiased. On June 20, 1906, before the agitation on this subject began, and before the hysteria set in, and when we were dealing with it in a calm, dispassionate manner, without prejudice, Secretary Wilson appeared before the Agricultural Committee and was interrogated on this very point. I read from the RECORD:

MR. LEVER. If the packer is made to pay, he will charge the cost up to the producer?

Secretary WILSON. Undoubtedly. The packer is not in business for his health.

MR. SCOTT. Would it not be a pretty hard thing to charge up a cost of 2½ cents on an animal?

Secretary WILSON. To make it easy, they would probably call it 10 cents.

This is the testimony of the representative of the Federal Government. How does it tally with the testimony of the representative of the beef packers? As far as I am concerned, I prefer to take the testimony of Secretary Wilson to that of Mr. Wilson, hired man of the beef packers. President Roosevelt himself, in his message of June 4, on this subject, sets out clearly that he would be in favor of the Government paying for the inspection, except for his fear that Congress at some time might not provide adequate appropriation for carrying the law into full effect, and I was struck by the fact that every disinterested witness who appeared before the committee, either directly or by implication, assured the committee that the packers, if made to bear the burden of inspection, would in the end recoup themselves. With the general principles announced in mind, and with the testimony before me, I can not take any other position than that the Government ought to do the square thing by its people, dealing in a straightforward and business-like manner toward them, and assume the cost of this inspection. [Applause.]

MR. LAMB. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

MR. CANDLER. Mr. Speaker, the sole question that seems to interest the House at this time seems to be who shall pay the fees for the inspection in these packing houses. I shall therefore confine my remarks to that question. The issue is, Shall the "beef trust" pay the expense or the people at large? I favor requiring the beef trust to pay the expense. I have heard several Members say that if they could be convinced that the cost of inspection could be put upon the packers, and that they would be required to pay it, they would be in favor of that. The only way that we have of arriving at whether or not they can be required to pay is by the testimony before the committee, given not only by the representative of the packers, but by the representative of the cattle raisers, and I propose to show you from these hearings on both sides that if it is levied upon the packers—the beef trust—it would come out of their pockets and they would be required to pay. The gentleman from Alabama [Mr. BOWIE] read the testimony of Mr. Wilson, the representative of the packers before the committee, in which he stated that if this inspection fee was placed upon the packers it would come out of their pockets, for the reason, he said, that they only control 50 per cent, or less than 50 per cent, of the cattle slaughtered in this country, while 50 per cent are slaughtered in outside enterprises and in independent concerns, and that therefore when they could control only 50 per cent of the product they could not charge these fees back upon the producers of cattle, for the reason that they could not fix the price, and unless they could fix the price they could not reduce the price to that extent.

As was so strongly stated by the distinguished gentleman from Missouri the other day, it would be an impossibility for the packers to avoid payment if required to pay, and Mr. Wilson also stated in his testimony because of the fact that it would be so small a fee per head of animals they could not charge it back upon the producer and change the price to that extent, because the cost of charging it back would amount to more than the cost of the inspection itself. The testimony of Mr. Wilson was as follows:

MR. WILSON. The packers do not kill more than 50 per cent of the cattle killed in this country—that is, the large packers concerned here—and they have to compete with the balance of the 50 per cent killed by the other folks, and they can not regulate prices. They have to take such prices as the market shipped to will justify, according to the supply and demand at that point.

That is the testimony of the representative of the packers. The representative of the cattle producers, Mr. Cowan, in answer to a question asked by Mr. LEVER, as to whether he believed that the packers could fix the price and therefore charge the cost of inspection to the cattle raiser or the consumer, said:

Not in the sense of agreeing to the price; no. That would be impossible, because they do not know the class of cattle coming in. I do not believe that they could fix the price. That would be an impossibility. I do not believe it possible to meet and agree on the price.

That is the statement of Mr. Cowan, the representative of the cattle producers in this country. Then, if the packers say that they can not fix the price and therefore can not charge it back upon the cattle producers, and the representative of the cattle producers says that they can not charge it back because it would be impossible for them to fix the price, and without the power to fix the price they could not charge it back and avoid payment themselves, then if you take the testimony on both sides of the question, and one corroborates the other, you are irresistibly

driven to the conclusion that they can be required to pay the cost of inspection, if you will place the tax upon them.

Then, if they can be required to pay it, ought they to pay it? That is the next question for each one of us to consider. I say they ought to, because the conditions existing in the packing houses requiring inspection were brought about by the packers themselves. Having brought those conditions about, they are responsible for them. They now ask the Congress of the United States to correct it and give them relief, and they ought to be willing and ought to be required to pay the cost of securing the relief which they say they must have. We all know that they can not sell to the foreign market without an inspection. They must have it in order to carry on their business. If they must have it, ought they to pay for it or ought the people to pay for it who are not interested in their private business? The packers want it in order that they may sell their goods in foreign countries, where they will not be purchased or accepted without the O. K. of the Government of the United States behind them. They want the home market restored, because the people will not accept their goods or buy them because of the conditions which they themselves brought about, unless the inspection is thorough and rigid; hence it is in the interest of their private business; and being in the interest of their private business, they ought to pay the expense of it. [Applause.] Mr. Wilson stated that their business had fallen off 50 per cent because of the Neill-Reynolds report, and that to restore it they must have rigid inspection by the Government. Mr. HENRY of Connecticut asked Mr. Wilson this question:

You object to the payment of fees. Now, I can readily see why you object to paying ante-mortem inspection fees. But if your objection is a plausible one, how can you object to the payment of fees for sanitary inspection to remove your own delinquencies, and also for the inspection of your canned-food products and other products, sausages, etc., which, on account of your own sins of omission, have been blacklisted until you are out of the market for them and can not recover a market—can not recover your market—until your product is O. K. by the Government? How can you ask the Government reasonably to pull you out of the hole that you have dugged for yourselves?

Mr. WILSON. Unfortunately it has not been of our doing that we have been put into this position. The present criticism and the present destruction of our trade is not of our doing, and it is unjust and unfair.

Mr. HENRY put the situation correctly, and in view of the truthfulness of that statement I appeal to this House to vote to require the beef trust to pay to restore their own business and not put the tax on the people by requiring payment out of the public Treasury. [Applause.]

Mr. LAMB. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, this situation, plainly and in one sentence, is as follows: These people—the meat packers—have been, and are, voluntarily endangering the public health, and now they want the public to pay for stopping it. They have voluntarily brought about an unsanitary condition, and in order to overcome a condition which they could have prevented and can yet prevent, in order that their foreign and interstate markets—destroyed by their own wickedness—may be restored and preserved to them, they desire this inspection to be done at the expense of all—even those who do not eat their products.

I did not arise for the purpose of discussing the merits of the case, however. I will therefore add only one word concerning the merits. You would think from what you have heard here to-day that the consumers of beef in this country, if they were taxed back by the packers and made to pay the amount of this charge, would become bankrupt to all eternity. On the other side, you have heard that if the seller of a cow was taxed back what it cost to inspect the cow under the proposed law, he would have to go into bankruptcy. And yet the proposition is to put the immense, the enormous sum of 5 cents on an 800 or 1,000 pound steer, and put 3 cents, I believe it is, upon a sheep or goat, and 2 cents upon a hog. Five cents divided by 800 and run out into a 3-pound steak is, I confess, an enormous thing if you could only calculate it. After you get through dividing the loss between the consumer and the producer, even if the packer could divide it, I do not think either one would be quite bankrupted.

But, Mr. Speaker, as a matter of fact the packer is already making the consumer pay every dollar he can make the consumer pay either to-day or to-morrow. [Applause.] He has already reached, for him, the maximum revenue point for his business. As a wise man he knows that if he goes further he will lose in the volume of business what he may gain in the price of an individual carcass; and he has already reduced the price paid to the stock raiser for beef on the hoof down to the very point where, if he reduces the price any lower, the stock raiser will be discouraged from raising cattle at all and gradually turn to other forms of agriculture. Cattle are necessary

to be raised for the packer in order that he may carry on his business.

Now, Mr. Speaker, what is the parliamentary situation? Whatever amendment this House may choose to put upon the House bill, it can, as it stands, put none upon it unless we first vote down the demand for the previous question. This legislation is right now in danger of failing between these two Houses. One or the other House must recede entirely (and neither will) or else the two Houses must compromise with each other.

If I get an opportunity—and I can get it only in the event that the House votes down the previous question—I shall offer a proposition of compromise between the two positions which I have perfectly satisfactory reason to believe will pass the Senate. Those of you who are running the risk of making this legislation fail must remember that you are right now at the critical point. If the House obstinately and blindly refuses to give one inch, and if the Senate, as I am informed it will, refuses absolutely to come to the position of the House, then you must take some position between the two or the legislation must fail. If so, you and you alone are responsible for the result. Unless something happens in the future that we can not now foresee, you must now vote down the previous question or doom the proposed legislation. So you must consider the wise and conservative alternative of compromise between the two Houses. I yield back the balance of my time.

Mr. LAMB. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. LAMB. I yield that four minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I believe that the Senate amendment should be adopted, because I believe that the packers should be compelled to pay the cost that their own crimes have made necessary. [Applause.]

I desire to ask the chairman of the committee this question:

In the State of Washington our meat supply is largely raised at home, slaughtered at home, and consumed at home. Why should the people of my State be taxed to prevent the criminal practices of the Chicago beef packer who wants to deal in foreign and interstate commerce? I am at a loss to account for the tender solicitude shown by many for those who have been following these horrible practices—these men that have committed an infamous crime against the good name of the entire nation and against the well-being of every citizen. The most loathsome and slimy criminal that curses the earth is the one that adulterates food. [Applause.] He has not even the passions or weaknesses or the frailties of his nature as an excuse. For the dollar alone he not only defrauds and robs his victims, but administers to them disease and death. The old, the weak, the little children, are the favorite victims of this fiendish monster. He murders without discrimination and without mercy. If I could call from the "lowest depths of hell" words so hot that I could construct out of them sentences that would writhe and hiss like the fanged and poisonous serpents—I could not express my horror, my loathing, and my hate for those merciless fiends who, for the dollar, traffic in human health and human life, who poison and destroy and murder the helpless and unsuspecting victims that they have already robbed. [Applause.]

Honesty and decency stand stupefied before the effrontery of the demands of these criminals—that the people pay the cost of the inspection. What is their proposition? That the people shall pay to have them stop their filthy and dangerous practices; that the people shall pay to compel them to obey the law; that the people shall pay to stop them from defrauding and robbing the public; that the people shall pay to prevent them from destroying life and spreading disease; that the people shall pay to stop them from poisoning and murdering the innocent and helpless! A proposition more monstrous never came from the polluted lips of crime. [Applause.]

You will discover, when the people have time to investigate the facts, that they are opposed to paying wealthy criminals to obey the law, that they are opposed to making the innocent pay for the crimes of the guilty. [Applause.]

Shall we be deterred from a plain duty because these criminals have the brazen impudence to declare that if we make them bear the burden of their own crimes that they will get even by robbing some one else? Are the threats of the beef trust to control the action of this House? The telegrams, the protests, and the petitions of the stock raisers of the country supporting the packers have been obtained by threats, coercion, by fraud, by concealing the truth.

If we are to believe the statements of some of the gentlemen who have spoken upon this question the whole country is aroused to frenzy because it is proposed to make the packers pay the expenses of enforcing a law that their crimes have

made necessary. They want us to believe that the people have come to the defense of the virtuous and outraged packers. Can it be possible that there is in this House one Member so unsophisticated, so innocent of the ways of these great trusts, so easily beguiled by appearances, so fitted for a kindergarten as to believe that all protests and demands, from wherever they come or by whoever they are sent, whether telegrams or letters, are the uninspired acts of those who have written them? These letters and these telegrams, whether they come from the farmer, the cattle grower, or the banker, are all of them inspired if not actually written by the packers themselves. One of the favorite phrases of the gentlemen who are defending these packers is that those who are favoring making the packers themselves pay the expense have grown hysterical over the report of the conditions existing in the packing houses. Will the gentleman who so freely used this expression please explain the mental condition of those who are wildly shouting that the stock-raising industry of this country will be destroyed because it is proposed to place upon the packer a fee for inspecting a steer at 5 cents and a hog or sheep at 3 cents? Dare any honest man, entirely sane, contend that to take from the price of the steer 5 cents and from the price of the hog or the sheep 3 cents, used in interstate or foreign commerce, will destroy or even injure the stock-raising industry of this country? It is not the cost, not the expense, that causes the packers to oppose the fee system with such sound and fury. The sole reason of their opposition to this system is that they fear that if the fee system is established the law will be enforced; that it will be enforced not only for this year, but for all time.

If the Government is to pay the expense, they believe that the purposes of the law can be defeated. They believe that it can be, at least, largely evaded. This tells the whole story of the opposition of the packer to the fee system. It is not the expense, but the law, that the packer is hoping to escape. [Applause.] The present appropriation will not long be sufficient, and the packer wants a chance each year to oppose any increased appropriation to make the law effective. Just as long as the Government makes this appropriation, just that long will the beef trust be here each year by its paid emissaries, under the hypocritical cry of economy, trying to prevent the necessary appropriation.

The beef trust of this country robs the people every day of an amount sufficient to pay the cost of a year's inspection. I extend to any man my admiration and condolence who is so tender that his sympathy and his tears can be aroused in behalf of these monsters of greed and avarice, whose fortunes have been largely accumulated by fraud and added to by the agonies and deaths of those who buy their products. [Applause.]

But they say these packers are innocent. It may be so. Then why do they fear the enforcement of the law? It can not be that they are objecting to the burden of the cost, for the attorneys for these defendants assure us that this will be paid by the farmers and the stock raisers. If the packers do not pay under the fee system, why should they object to it? Why should their virtuous souls be vexed if the farmer pays the cost? I have defended many criminals. If the beef packers are innocent, then they are unfortunate in their imitations of the guilty. They shout their innocence here, but they are cleaning up at home. [Applause.]

The practices of the packers have been so horrible, so filthy, so monstrous, that they have shocked and sickened the civilized world. In view of these recent revelations, it seems to me that the shrieks and groans of the death agonies of their victims must stop the ears of their sympathizers, and the fleshless hands of those they have slowly murdered must choke into silence their defenders. The country, the people, civilization, are to be congratulated that we have a President who has the courage, the honesty, the humanity, to demand that these infamies be immediately blotted out forever. [Applause.]

Mr. WADSWORTH. Mr. Speaker, I now yield four minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I shall not yield to the wild hysteria and clamor against the packers on this occasion, but shall cast my vote in accordance with fundamental principles of right. What are those principles of right in this matter? The gentleman from Mississippi says the packers put their institutions in an insanitary condition, and now they should be made responsible for it and should be forced to pay the expense. I am not here to defend the packers. I ask the gentleman why he didn't take the position that the expense should not fall on the Government when we had the quarantine measure before the House?

Mr. WILLIAMS. I will answer, because nobody in America ever brought yellow fever into America.

Mr. HENRY of Texas. Well, but this is a question of sanitation. The gentleman evades the question. He simply wishes to punish the packer in this wild crusade against them. They are not the only packers. There are other packers and some good men engaged in the same pursuit and doing a legitimate business, and if the Government is going to interfere in the business of these men and see that their premises are kept in a sanitary condition, it should put all the expenses of doing so in the hands of the Government. The gentleman from Alabama [Mr. BOWIE] refers to the oleomargarine legislation and the levying of that tax as a wholesome precedent to be followed in this case. Why, Mr. Speaker, I am surprised at that declaration from the gentleman.

Mr. BOWIE rose.

Mr. HENRY of Texas. I have not time to yield to the gentleman. It does seem to me that a Member who has served in this House so long ought to know that the oleomargarine legislation was based upon the proposition to get jurisdiction in taxing matters when that law was passed, and it was not done on account of the insanitary condition of oleomargarine; but it was done to prevent a discrimination against wholesome butter. Let us look at some of the inconsistencies of this amendment which gentlemen are advocating. You propose to put a tax of 5 cents upon a steer worth a hundred dollars, and yet you put a tax of 3 cents and 2 cents upon a two dollar and a half sheep or a hog at the same valuation. Look at the discrimination in the amendment. Why, Mr. Speaker, any man who can read understands that the consumer and the producer must pay this tax after all; that the packer will buy the cattle and the sheep and the hogs subject to inspection, and the money must come out of the pockets of the producers and the consumers after all. There the packer will tax it.

Mr. GARRETT. Are not they and the packers the only ones interested?

Mr. HENRY of Texas. No, they are not the only ones; the American people are interested, and if we are going to interfere in private business affairs we should place these inspections and investigations upon a high plane and the Government should pay the expense. We did this in the quarantine bill, appropriating \$500,000. Any man who can and will use his mind can not draw a distinction between that bill, in which we appropriated \$500,000, and this kind of legislation. [Applause.]

Mr. WADSWORTH. I yield eight minutes to the gentleman from Illinois [Mr. LORIMER].

Mr. LORIMER. Mr. Speaker, during my experience in Congress I never heard so many speeches made on misinformation as I have heard upon this subject. The gentleman from Washington [Mr. HUMPHREY], who has just taken his seat, intimates that this cry against the packers was brought upon them by reason of the bad and unwholesome meat which they served to the people of this country. The facts are, Mr. Speaker, that there is no testimony in the evidence before the Committee on Agriculture that warrants any such a statement. It is said that the packers in Chicago have brought this upon themselves, and therefore they should pay the expense. If he read the testimony before the committee he would find that the statement made to the President of the United States was not based on facts. Neither one of the President's representatives could remember when they appeared before the Committee on Agriculture. [Applause.] When the question was put to them straight, "Do you know of your own knowledge of any man working in the packing houses in the city of Chicago who had tuberculosis?" both of them made answer "No." Much of this frenzy which we have over the country comes by reason of the statement that they made, that meat was being thrown on the floor and dragged through tuberculosis expectoration.

Gentlemen here do not seem to understand what the real testimony was. The testimony before the committee indicated that these stories that are going about the country were made by men who never had any practical experience in anything. Both Mr. Neill and Mr. Reynolds told our committee that they had never had any practical business experience; both men of high type in their walk of life, both sociologists, but not men who have ever paid any attention to any kind of business. Their testimony before the committee would indicate that if the packers in Chicago spent about fifteen or twenty thousand dollars for ventilation in closets and for a little soap and a few towels the whole evil in Chicago packing houses would be remedied.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. LORIMER. I can not—

Mr. HUMPHREY of Washington. I was going to ask, then why the necessity of this legislation?

Mr. LORIMER. I will not yield for a question. If I had time, I would be glad to yield to any gentleman in this House. The gentleman from Minnesota made the statement here a moment ago that there was no testimony before the committee except that made by a lady that it would injure meat to go in cans, and what he got from Doctor Wiley. The fact is that Doctor Wiley did not make any statement except to express an opinion. He made no statement based on any information that he had as a scientist, Mr. Speaker.

I am talking from the view point of a man who has had some personal experience. I have done all kinds of work in a packing house except to kill the bullock, and I have worked in the canning department. I was one of six men who instituted the canning business in the Armour packing house and in the Nelson Morris packing house, and so I knew of the canning business before either one of those corporations had any information concerning it. My experience is this—that during all the time I had service in those institutions a can of meat that was packed two, three, four, five, or ten years was just as good as a can of meat that had been packed one, two, three, four, five, or ten days. If we put the date upon the label, then we send our meat in competition with meats that come from the Argentine and from Australia without any date upon the label, and it does not take much of an argument to satisfy any man that has any knowledge of the business that that is injurious to the commerce of this country. If we put the date on the label, it not only injures the packers, but it injures the cattle raisers. The canning cattle sell for about \$1.75 a hundred. They are all poor cattle that come from the ranges, and if they were not used for canning purposes they would not be used at all. They would remain upon the ranges in Texas and in Illinois and in Minnesota and in all of the cattle-raising States, and die there, and nothing would be paid to the farmer. The proposition that the gentleman from Minnesota [Mr. DAVIS] suggests as his amendment, if he has an opportunity to propose it, provides that we shall pay for the inspection out of an appropriation and shall levy a certain sum on each head and shall use that money solely for the purpose of inspecting the meats after leaving the cooling room.

It is proposed to appropriate \$3,000,000 for the total cost of inspection. The present cost of inspection of three-fifths of all the cattle that are slaughtered in this country is about \$900,000 annually. That would be increased about two-fifths in order to inspect the houses that are not under inspection now. But if all of the meat-canning houses of the United States were compelled to pay for all of the inspection of all the meats going from the cooling house to the can, the total amount, Mr. Speaker, would not be over \$100,000 annually. If gentlemen had any experience or knew anything about the canning business, they would not make a proposition of this sort. One hundred thousand dollars will pay for every inspector that inspects the beef from the cooler to the can. Mr. Speaker, that warrants Members of this House voting for the proposed Senate amendment, unless you want to raise fifteen hundred thousand dollars annually to put into the Treasury of the United States, and charge it to the consumers of beef in this country. [Applause.]

Mr. WADSWORTH. I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. When the law under which we are at present working was passed, no one suggested, but that the Treasury of the United States was the proper place to go for the appropriation. And we are paying eight hundred thousand or nine hundred thousand dollars a year now for that inspection. There is no reason, because from the most exaggerated statements that have been made in regard to the packing business but a very small percentage is charged to the unhealthy part of it, that the whole business should be taxed in order to pay it.

If it is taxed under the provision which the gentleman from Minnesota [Mr. DAVIS] has offered here, or said he proposed to offer, how are you going to collect it? He says that the Secretary of Agriculture shall collect so much for each head after we have paid out the money, and he depends upon that collection to pay for the inspection for next year, and so forth. How are you going to collect it? Why, it is said that we collect the expenses for the inspection of national banks. Very true, but we give the national banks their charter. They can not do business for a single moment if they do not pay for the inspection. It is not a parallel case. This is for the benefit of all the people. The Treasury of the United States should pay it. If we did collect it out of the packers, do you suppose that they will pocket the loss and that they will not in turn collect it at either end from the men who sell the cattle and the men who are consumers of the meat, so that the people will pay double

for it in case we try to collect it in the first place from the packers?

So, from every standpoint, it seems to me, Mr. Speaker, we should stand by the Committee of Agriculture, stand by the House action, and have an inspection that is backed up by an annual permanent appropriation of \$3,000,000 that shall be effective forever on this subject and remove every suspicion from American meat products. [Loud applause.]

Mr. WADSWORTH. Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. DAVIS of Minnesota. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS of Minnesota. I would like to know, if the previous question as now moved carries, if I will have an opportunity to offer an amendment as regards the action the gentleman from New York wishes to take?

The SPEAKER. The gentleman would not.

Mr. LAMB. I suggest, Mr. Speaker, an inquiry as to what would be exactly the parliamentary status here, and call attention to this fact—

The SPEAKER. That is in the nature of debate.

Mr. WADSWORTH. Regular order, Mr. Speaker.

Mr. DAVIS of Minnesota. I ask to have consent to offer the following amendment—

The SPEAKER. The gentleman from Minnesota and the gentleman from Virginia both understand that it is in the right of the gentleman from New York to move the previous question, and nothing else is in order except to dispose of that motion.

Mr. BOWIE. A parliamentary inquiry.

The SPEAKER. Another parliamentary inquiry.

Mr. BOWIE. The only way by which an amendment to the motion of the gentleman from New York can be offered is to vote down the previous question?

The SPEAKER. The gentleman guessed it the very first time. [Laughter and loud applause.]

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. LAMB. Division!

The House divided; and there were—ayes 157, noes 51.

So the previous question was ordered.

The question was taken on the adoption of the resolution; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 193, noes 45.

Mr. BOWIE. Yeas and nays! [Cries of "No!"]

The question was taken on ordering the yeas and nays.

The SPEAKER. Nineteen gentlemen have arisen; not a sufficient number; the yeas and nays are refused, the ayes have it, and the resolution is agreed to; and the Chair announces the following conferees: Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB.

RUSSELL SAVAGE.

The SPEAKER laid before the House the bill (H. R. 5509) for the relief of Russell Savage, with a Senate amendment, which was read.

Mr. WILEY of Alabama. I move to concur in the Senate amendment, Mr. Speaker.

The motion was agreed to.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill for the protection of the petrified forest.

There was no objection.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

ANNA RING.

The SPEAKER also laid before the House the bill (H. R. 19364) granting an increase of pension to Anna Ring, with a Senate amendment, which was read.

Mr. KEIFER. I move to concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 3413. An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing

sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes;

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army;

S. 6463. An act waiving the age limit for admission to the pay corps of the United States Navy in the case of Frank Holweg Atkinson;

S. 1211. An act to correct the military record of Jacob Alsbaugh;

S. 6365. An act granting a pension to Edward S. Bragg;

S. 6444. An act to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate;

S. 6488. An act authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin;

S. 6375. An act granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church, Utah;

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction;

S. 3433. An act to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6355. An act concerning licensed officers of vessels;

S. 6300. An act providing when patents shall issue to the purchasers of certain lands in the State of Oregon;

S. 4256. An act for the relief of the Alaska Short Line Railway and Navigation Company's railroad;

S. 6483. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa;"

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the rules and specifications for grading lumber, adopted by the various lumber manufacturing associations in the United States;

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the Platt National Park;

S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6062. An act granting a pension to Mary Haney—to the Committee on Pensions.

S. 940. An act granting an increase of pension to Antonette Stewart—to the Committee on Pensions.

S. 6167. An act to improve the channels along the New Jersey seacoast—to the Committee on Rivers and Harbors.

WILLIAM SAPHAR.

The SPEAKER also laid before the House the bill (H. R. 9238) for the relief of William Saphar, with a Senate amendment, which was read.

Mr. KEIFER. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

WILLIAM P. KNOWLTON.

The SPEAKER also laid before the House the bill (H. R. 6963) granting a pension to William P. Knowlton, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

UNITED STATES DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I call up the conference report on the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof.

Mr. DENBY. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. Does the gentleman ask for the reading of the statement?

Mr. DENBY. There is no statement.

The SPEAKER. The Clerk will read the report, instead of the statement.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendments:

Insert at the end of section 2 as follows:

"The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedents in China. Within sixty days after the death in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall as additional effects come from time to time into his possession immediately file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule, under oath, of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise within ten days after any such sale report the fact of such sale to said court and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and doings relating to the estate of any such deceased person. The said court shall have power to require, where it may be necessary, a special bond for the faithful performance of his duty to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come, in such amount and with such sureties as may be deemed necessary, and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect of any such estate under the provisions hereof."

And the Senate agree to the same.

In section 5, line 4, strike out the words "section 4086 of."

And the Senate agree to the same.

J. B. PERKINS,
EDWIN DENBY,
WM. M. HOWARD,

Managers on the part of the House.

JOHN C. SPOONER,
JOHN KEAN,
A. O. BACON,

Managers on the part of the Senate.

Mr. DENBY. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

IMMIGRATION AND NATURALIZATION.

Mr. BONYNGE. Mr. Speaker, I present a conference report for printing, under the rule, on the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States.

The SPEAKER. The report and statement will be printed under the rule.

RAILROAD RATES.

Mr. SHERMAN. Mr. Speaker, I present a conference report and accompanying statement upon the rate bill, and I ask unanimous consent that the conference report, relating to amendments Nos. 4 and 5, and the statement relating to those two amendments, be read, and that nothing else be read.

Everything else has been printed in the RECORD for some days.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, does the gentleman assure the House that the other amendments are verbatim et literatim the same?

Mr. SHERMAN. Absolutely, save amendments 4 and 5.

Mr. WILLIAMS. Under those circumstances I do not object. The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 39, 45, 48, 49, 50, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported for charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to line-men of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation. Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February nineteenth, nineteen hundred and three, and any amendment thereof;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In line 2 strike out "common carrier" and insert "railroad company."

In line 3 strike out "district of the United States" and insert "the District of Columbia."

In line 4 strike out "district of the United States" and insert "the District of Columbia."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In line 2 strike out "shall promptly."

In line 2, after "of," insert "any lateral, branch line of railroad, or of."

In line 3, after "transportation," insert "shall."

In line 5, after "any," insert "such lateral, branch line of railroad, or."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 6, after "established," insert "If no joint rate over the through route has been established the several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares, and charges applied to the through transportation;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 1 strike out "special;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 3 strike out "section one of;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows:

In line 1 strike out "shall."

In line 2, after "act," insert "shall."

In line 3 strike out "the first section of."

In line 6 strike out "section" and insert "act."

In line 17, after "tariffs," insert "*Provided*, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier.'"

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In line 2 strike out "representation" and insert "demand."

In line 3 strike out "of the need therefor."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lines 35 and 36 strike out "and willfully."

In line 77 strike out "district of the United States" and insert "the District of Columbia."

In line 78 strike out "district of the United States" and insert "the District of Columbia."

In line 79 strike out "and willfully."

In line 93 strike out "and willfully."

In lines 104, 105, 106, and 107 strike out "*Provided*, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 strike out "accrued claims" and insert "claims accrued prior to the passage of this act;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In line 4, after "the," insert "lawful."

In line 18 strike out "through whose negligence" and insert "on whose line."

In line 21, after "property," insert ", as may be evidenced by any receipt, judgment, or transcript thereof."

And the Senate agree to the same.

W. P. HEPBURN,

J. S. SHERMAN,

WILLIAM RICHARDSON,

Managers on the part of the House.

S. B. ELKINS,

S. M. CULLOM,

Managers on the part of the Senate.

STATEMENT.

The House recedes from amendments 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46.

The Senate recedes from amendments 7, 39, 45, 48, 49, 50, and 51, and the House recedes from all other amendments with amendments.

Amendment No. 1, from which the House recedes, is the one which brings pipe lines within the provisions of the act.

Amendment No. 2, from which the House recedes, is the one that provides that the term "common carrier" shall include express companies and sleeping-car companies.

Amendment No. 3 is simply the insertion of quotation marks.

Amendment No. 4 is the one relating to passes. The provision is redrafted along the lines of the amendment as passed by the Senate. It prohibits broadly and generally the issuance of any free transportation for interstate passage, and then provides an excepted class, which is as follows:

"No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Association, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and Boards of Managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons."

Amendment No. 5 as passed by the House provided that after May 1, 1908, no common carrier should transport any commodity produced by itself, excepting from such prohibition timber and the manufactured products thereof. As agreed to in conference, the words "common carrier" are stricken out, and the words "railroad company" substituted in lieu thereof.

Amendment No. 6 made provision for the compulsory installation of switch connections with rail where application was made therefor and the Interstate Commerce Commission deemed the installation sufficiently important to warrant the same, the installation to be done at the expense of the applicant. As agreed on in conference, the amendment is broadened so as to require the compulsory installation of a connecting switch, not merely with a present or prospective shipper, but with any lateral or branch line of railroad.

Amendment No. 7 provided that equally good service and accommodations be given to all persons paying the same compensation for interstate transportation of passengers. This is the amendment commonly known as the "jim crow" amendment. From it the Senate receded, and it goes out.

Amendments 8, 9, 10, and 11 cover, together, the question of filing and publicly posting the schedules of rates, fares, charges, and so forth. These amendments are largely phraseological for the reason that they were covered in different words by provisions of the bill which passed the House, and which are stricken out in amendment No. 25, from which the House recedes. The amendment as agreed to in conference enlarges somewhat the provision as it passed the House by providing for the publication and posting of joint rates where the joint rate is made up of rail and pipe, or rail and water, and also provides, where no through rail and water rate is provided, where such a route exists, that so much of the rate as is covered by rail shall be posted.

Amendment No. 12 is a phraseological amendment using the word "all" instead of "the," and does not change the meaning or intent of the provision.

Amendment No. 13 includes "storage charges" amongst the items for which the published and posted rates shall provide.

Amendments 14, 15, and 16, together, all relate to the posting and filing of the contents of the schedules, and are simply intended to make more definite the meaning of the enactment.

Amendment No. 17 is the insertion of the word "kept," so that it will require the schedules to be kept posted.

Amendment No. 18 is a requirement that all of the provisions of the section shall apply to all traffic transportation and facilities defined in section 1 of this act. It is enlarged by making it applicable to the entire act.

Amendment No. 19 uses the word "filed" for "established." It is a phraseological amendment.

Amendment No. 20, in place of the words "public notice," provides that notice shall be given to the Interstate Commerce Commission as well as being published.

From amendment No. 21 the House receded, because so much of the provision as was stricken out by the Senate was covered by the amendment No. 27 inserted by the Senate, and which will hereafter be explained, and this amendment also carries new

matter, to which the House conferees agreed, that where a joint rate is provided the carrier other than the initial carrier shall give notice of concurrence therein, and the names of all parties to it shall be stated.

From amendment No. 22 the House receded, because this matter was covered by amendment No. 8, which is in the bill and which is hereinbefore explained.

Amendment No. 23, made necessary by striking out the part contained in amendment No. 22, is simply the insertion of the word "such."

Amendment No. 24 is simply a phraseological change.

Amendment No. 25 was stricken out for the reason that the provisions therein contained were covered by amendments 8, 9, 10, and 11, heretofore explained, and by amendment No. 27, hereinafter explained.

Amendment No. 26 was stricken out for the reason that it refers to the filing of schedules and tariffs, and so forth, and is covered by the other provisions of the bill herein explained.

Amendment No. 27 takes the place of amendments 21 and 26, which have been stricken out, and provides that no carrier shall engage in transportation of either persons or property until the rates, fares, and charges required to be filed and published have been so filed and published, and this section also provides that there shall be no discrimination in charges between different persons as to passengers or property, or between different points or different articles, and expressly forbids rebating in any manner whatever, and its operation is enlarged by making the provisions applicable to the entire act rather than to one section thereof, as was the case when the amendment passed the Senate. The word "shall" in this amendment is changed from following the word "carrier" in the first line thereof to follow the word "act." It is simply phraseological.

Amendment No. 28 provides that the President in time of war may call upon any carrier to give preference to the transportation of troops or munitions of war. The amendment as it passed the Senate provided this should be done upon the representation of the President of the need therefor. As agreed to in conference, this is stricken out, so that it provides that it shall be done upon a demand of the President.

The House receded from its disagreement to amendment No. 29, with an amendment striking from the bill the proviso at the end thereof. This amendment is a reenactment of section 1 of the Elkins Act, with certain additions relating to violations of the act and punishments therefor, and also forbids rebates or considerations. The proviso was stricken out as being thought that this provision might relieve those who had already infringed the act from prosecutions therefor where there was pending litigation in reference thereto. The agreement also provides for striking from the provision in the three places where it appears the words "and willfully," so that the amendment shall provide that no person who "knowingly" offers, grants, etc., shall be guilty as in the amendment provided.

From amendments Nos. 30 and 31 the House recedes. These amendments strike from the bill the words "in its judgment" and "fairly remunerative" in enacting in reference to the determination of rates by the Commission.

From amendment No. 32 the House receded. This provision as the House passed it was that the order should go into effect thirty days after notice to the carrier, and the amendment inserted by the Senate, which has been agreed to, provides that the order of the Commission, except for the payment of money, shall take effect within such reasonable time, not less than thirty days, as shall be stated by the Commission in the order, and remain in effect for not exceeding two years. The provision of this amendment takes the place of amendment No. 38, on page 24 of the printed bill, which is stricken out by the Senate, and to which the House conferees consented.

Amendments Nos. 33 and 34 are phraseological and do not change the meaning or the intent of the bill.

Amendment No. 35 strikes out the word "portion" and uses in its stead the words "just and reasonable proportion," incorporating in the bill the expression "just and reasonable," which, of course, was the thought of the framers thereof.

Amendment No. 36 makes clear that it was the intent of the lawmaking power that the provisions should apply to the water connections of carriers.

Amendment No. 37, as changed by the conferees, strikes out the word "accrued" and inserts after the word "claims," in lieu thereof, after line 26, page 33 of the printed bill, the words "accrued after the passage of this act." The amendment is intended to provide that all claims which have heretofore accrued may be sued upon within one year after the passage of this act, and not thereafter.

Amendment No. 38 is a provision stricken from the bill, as explained in amendment No. 32.

Amendment No. 39: The Senate struck out the word "regularly" and inserted in lieu thereof the word "lawfully." From this amendment the Senate receded, restoring the word "regularly" in the bill.

Amendment No. 40 inserts the words "against the Commission," in reference to suits brought to suspend or annul an order of the Commission. It does not change the meaning of the bill as it passed the House, but makes it more clear.

Amendments Nos. 41 and 42 are known as the "court-provision" amendments, and expressly provide for reviews of the orders of the Commission by the courts.

Amendment No. 43 provides that no injunction or interlocutory order restraining the operation of the order of the Commission shall be granted except after five days' notice to the Commission, and it also provides for appeals from such orders directly to the United States Supreme Court, and limits the time within which such appeals can be taken to thirty days from the entry of the order.

Amendment No. 44 strikes from the bill the provision that an order of the Commission complied with for three years shall not thereafter be enforced. This subject is covered by amendment No. 32 hereinbefore explained.

Amendment No. 45 provided certain additional exceptions to those specified in amendment No. 4, as to the persons to whom free transportation might be issued. From this amendment the Senate receded, so that the provision in amendment No. 4 covers all there is in the bill in relation to free transportation.

Amendment No. 46 merely inserts the quotation marks.

Amendment No. 47 is that which is known as the original carrier's liability provision. As agreed to in conference it is changed so as to provide that the holder of the original receipt or bill of lading must be the lawful holder, the word "lawful" being inserted, and that such holder may collect from the initial carrier for any loss sustained on any road carrying the property, and the further provision that the initial carrier can recover from the carrier upon whose lines the loss was made. As passed by the Senate it provided that this recovery might be made when the loss was through the negligence of the subsequent carrier. The words "through whose negligence" are stricken out and the words "on whose lines" are substituted, so that the liability of the carrier to the shipper and of the subsequent carrier to the original carrier are made the same. A provision was also added to this amendment providing that the receipt for payment obtained by the original carrier from the shipper, or the judgment obtained by that shipper against the carrier, or a transcript thereof, is competent evidence in a proceeding to compel the subsequent carrier to refund to the initial carrier for the loss it made good to the shipper.

Amendment No. 48: The Senate receded from restoring the matter passed by the House which it had stricken out. This is the provision increasing the membership of the Commission to seven and increasing the salary of the Commissioners to \$10,000.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,

Managers on the part of the House.

Mr. SHERMAN. Mr. Speaker, I move the adoption of the conference report, and pending that I desire to yield to my colleague on the committee, the gentleman from Alabama [Mr. RICHARDSON]. How much time does the gentleman desire?

Mr. RICHARDSON of Alabama. How much time is allowed on either side?

Mr. SHERMAN. My purpose is to control the floor, and within the hour which I have under the rule to move the previous question; but I desire to yield to the gentleman, meantime, such time as he may desire.

Mr. RICHARDSON of Alabama. That would give us thirty minutes.

Mr. SHERMAN. I yield to the gentleman thirty minutes.

Mr. BARTLETT. May I ask the gentleman from New York a question before the gentleman from Alabama proceeds?

Mr. SHERMAN. If the gentleman from Alabama is willing to yield.

Mr. RICHARDSON of Alabama. I yield to the gentleman.

Mr. BARTLETT. What becomes of this part of the Senate amendment:

That such provision shall not be construed—

Mr. SHERMAN. I understand what the gentleman refers to. As the report will show, the proviso that railroad companies may exchange passes with other railroad companies, their agents and employees, is included precisely as it is in the Senate amendment. The Clerk did not read the report; he only read the statement, and the statement contains only the excepted

clauses. The proviso, as contained in the original Senate amendment, clear down to and including the penal provision, is precisely as it passed the Senate. Now, I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. I regret that this conference report, which has received at the hands of the conferees such profound, sincere, and earnest consideration for quite four weeks, could not have been published in the RECORD, so that all Members could have read it and understood it; because, from a general standpoint, after having given it, as the minority member of the conference committee, the most earnest and sincere attention, serious as many of the questions submitted to us were, I cordially indorse the report. I should be glad, if I had the opportunity, to review briefly the history of this bill. I will not do it except in a few words. We recall the fact that this bill is the product—I mean the Hepburn bill—of the joint work of Republicans and Democrats on the Interstate and Foreign Commerce Committee, and an earnest and patriotic effort was made by that committee to lift it above the level of politics and give it that fair business, common-sense consideration that this great question demands.

I regret, Mr. Speaker, to see evidences recently that that spirit which influenced the Interstate and Foreign Commerce Committee has been to some extent forgotten and lost sight of and a disposition manifested to give the measure a political coloring favorable to the Republican party. I am not disposed in any way whatever to detract from the President of the United States the credit that he deserves in connection with this question of regulating the rates of railroads. I believe he has been of great aid and assistance. He brought this question to the front, he pushed it in every way, and I am glad to say that he has not taken a step, that he has never advocated or promulgated in any of his messages, public utterances, or speeches any sentiment looking to a fair, just, and honorable regulation of railroads and correcting the abuses and evils complained of that the Democratic leaders and the Democratic party have not stood earnestly and zealously with him. He was cordially sustained by Democrats of the Senate and the House in his advocacy of the narrow court review, and it is in no manner the fault of Democrats that this bill does not in plain terms restrict the limit of the review by the court of the order of the Commission declaring a rate to its lawfulness and the constitutional rights of the carrier. Why? Because he was advocating Democratic doctrine, and I here declare that this bill is but an emanation from principles embodied in Democratic platforms of 1896 and 1900. [Applause on the Democratic side.]

I will read what our national Democratic conventions declared about the regulation of railroads. I regret that I have not the declaration made by our national convention in 1904.

DEMOCRATIC PLATFORM, 1896.

We demand the enlargement of the powers of the Interstate Commerce Commission and such restriction and guaranties in the control of railroads as will protect the people from robbery and oppression. * * *

DEMOCRATIC NATIONAL PLATFORM, 1900.

We favor such an enlargement of the scope of the interstate-commerce law as will enable the Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates.

Mr. Speaker, the enactment of this bill into a law will be accepted as a distinct era in Congressional legislation. The effort to subject more than 210,000 miles of railroad trackage to the control of seven Commissioners, clothed with authority by an act of Congress, speaks in plain terms of the vast importance of the work we have undertaken. Yet the public, in the preservation of its own interests, demanded that the railroads of the country should be controlled and regulated by law. It is not to be expected that we have made a perfect bill, without errors or blemishes. These errors and mistakes can and will be discovered by enforcement of the law and corrected hereafter. I can, Mr. Speaker, truthfully say, so far as I may be allowed to speak of the continued arduous labor of the conferees who have so willingly signed this report, that each one brought to his work a conscientious, unselfish, and patriotic desire to frame a bill by the adjustment of the differences between the two Houses of Congress—such a bill as would be fair to the railroads and require them to treat the people fairly, a bill that would not be a mere pretense, an illusion, a fraud, but a bill that would give relief of the evils complained of. It is not so much about exorbitant or high rates that the public complains, but it is the discriminations in rates and charges granted one shipper to the injury of another, and about which there is loud and genuine complaint. That the Senate has improved our bill I truly and cheerfully admit.

I desire to call the attention of Democrats especially to this one fact: Our distinguished minority leader, Mr. WILLIAMS, of

Mississippi, aided by the distinguished gentleman from Missouri [Mr. DE ARMOND] pointed out at the beginning of this controversy, when this matter was first referred to the conferees, four or five different important amendments that this side of the House at least was so earnestly united on that they didn't want to submit either of those amendments to the conferees. They asked concurrence in these amendments, and wished to withdraw them from the conference. That was refused by the other side of the Chamber. I believe, as I recall it now, that these amendments of the Senate were numbered 2, 6, 31, 47, and 48. I must rely on my memory to state what these were. The first was amendment 2, which made express companies and sleeping-car companies common carriers. This was done. I want to show Democrats what they have in this bill and that your wishes and views prevail in it. You will be astonished to find out when we compare what was known as the "Davey bill," which expressed the Democratic views of the minority members of the Committee on Interstate and Foreign Commerce and other leading Democrats that we consulted with, how much there is in this bill that was taken from the Davey bill, and more astonishing than that many of the fifty-four amendments offered by the Senate that were rejected in the make up of the compromise Hepburn bill are found literally in the Davey Democratic bill.

Now, what was No. 6? That Mr. WILLIAMS and other gentlemen strongly urged our attention to. This was a very important matter; it was in relation to requiring all railroads to give switch connections with private side track when practicable. What did the conferees do with that? Why, they improved it and gave it strength by enlarging the requirement and reaching the actual evil complained of. Why? We not only required these great trunk lines to give switch facilities to private side tracks, but to give them to any lateral branch line of railroad. What is the meaning of that? If there is any one thing that the people of the country have cause to complain of, it is of great corporations suppressing production. Take a coal mine that laid 40 or 50 miles from a great trunk railroad in a section that it had literally preempted and controlled thereby the transportation and production of coal. That great railroad could suppress production by refusing to give to the owner of these coal lands switch connection to any lateral or branch railroad he would build. This bill, when discussed by our distinguished minority leader and the distinguished gentleman from Missouri [Mr. DE ARMOND]—and I think they were preeminently correct in what they said—applied only, as you will see from the bill, to switch connections with private side tracks; now it extends to lateral railroads and branches.

This I deem of vast importance to the coal-producing interests of the country in the future.

What was the next amendment our attention was called to? It was No. 31, and I must go over this hurriedly. What was No. 31? That used the words "fairly remunerative," which the gentleman from Georgia [Mr. ADAMSON] will remember the minority of our committee fought so earnestly against, but it was put in the Hepburn bill over our protest. Those words "fairly remunerative," that were indefinite and without legal definition or construction, have gone out by Senate amendment 31. Another important amendment made by the Senate was the striking out of the words "in its judgment." The Senate of the United States had one of the grandest and greatest discussions in the history of the country upon that subject. You do not find it in the Davey bill, and you find it now gone out of this bill—the Commission "to determine and prescribe what will be the just and reasonable rate." If you will turn to the Davey bill, line 6, page 9, you will find that the provision reads, "to determine what will be a just, reasonable, and impartial rate."

What was the next amendment? It is No. 47, a very important one. One of the great complaints of the railroads has been, and, I think, a reasonable, just, and fair complaint, that when a man made a shipment, say, from Washington, for instance, to San Francisco, Cal., and his shipment was lost in some way, the citizen had to go thousands of miles probably to institute his suit. The result was that he had to settle his damages at what he could get. What have we done? We have made the initial carrier, the carrier that takes and receives the shipment, responsible for the loss of the article in the way of damages. We save the shipper from going to California or some distant place to institute his suit. Why? The reasons inducing us to do that was that the initial carrier has a through-route connection with the secondary carrier, on whose route the loss occurred, and a settlement between them will be an easy matter, while the shipper would be at heavy expense in the institution of a suit. If a judgment is obtained against the initial carrier, no doubt exists but the secondary carrier would pay it at once. Why? Because the arrangement, the concert, the cooperation,

the through-route courtesies between them would be broken up if prompt payment was not made. We have done that in conference.

What else did we do? The next thing was No. 48, which has reference to the Commissioners. We increased the number to seven and made their salary \$10,000. The responsibility by means of the increased labors that this bill imposes demands splendid talent and a just compensation should be paid. But the principal matter that I desire to call the attention of the House to is amendment No. 43, which reads as follows:

Provided, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes.

I believe that this is of more vital importance than any amendment made by the Senate, because it is the entrance gate to the broad court review. It is a matter that sheds light and gives hope and belief and faith that this great effort we are making to fairly and within constitutional limits regulate the railroads will be a success. I have great respect for the courts, and whenever the people of this country lose their faith in the courts it is the death knell of our republican form of government. We must have faith in the courts, but I verily believe that the courts, as Mr. Jefferson declared, must strictly confine their jurisdiction to the limits of the Constitution and not infringe on the legislative. One of the first bills that I had the honor to introduce in this House as a Member of Congress was to have Federal courts give notice before they issued a temporary restraining order or injunction. I never believed that a case should be taken, between sunset and sunrise, from a State court on account of local prejudice and surroundings, upon the sole affidavit of the party interested, and carried to a Federal court without giving notice and having a hearing before the granting of the order of transfer. In past years—in the days of reconstruction and subsequent thereto—we people of the South had untold wrongs and iniquities imposed on us in the arbitrary exercise of authority by Federal judges.

I believe that in the interest of justice notice ought to be given. What is done in this instance? Take the Davey bill, page 14, line 4, and you will find planted in that Democratic bill a demand that before this rate fixed by the Commission should be arrested by a temporary restraining order the judge must give notice and have a hearing. What do you find here that links the Democrats in the other end of the Capitol to this bill? It is provided here that no injunction or interlocutory order of the court suspending or restraining the enforcement of the order of the Commission shall be granted except on hearings after not less than five days' notice to the Commission. I tell you sincerely and honestly, as a Democrat, that if there was nothing else in this bill but that one provision every Democrat could stand up here and honestly and earnestly and boldly support it. It is one of the strongest principles, it is one of the brightest headlights, that there is in this whole bill, in my judgment. Why, the Commission fixes the rate, and, under the old law, all of the delays, all the time that was consumed, embracing years and years frequently, before cases were heard was by reason of the fact that the courts issued restraining orders without any notice to the Commissioners, without any notice to the shipper, and passed on and granted the restraining order, and, as lawyers know, in eighteen cases out of twenty when a temporary restraining order is issued it is confirmed when it comes to a final hearing. That has been my observation.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to inquire of the gentleman if the Senator from South Carolina [Mr. TILLMAN] agreed to this pipe-line amendment.

Mr. RICHARDSON of Alabama. He did not; because he says he fears somebody will stamp on his forehead the letters "S. O."—"Standard Oil." I say, Mr. Speaker, it behooves an honest man in matters of great concern like this to do what he believes to be right without boasting of his virtue and honesty. Mr. Speaker, I would like to talk somewhat about that pipe-line amendment. I do not envy a man who would go on a conference, involving great questions that appeal to common sense, judgment, and patriotism, having a determination never to change his mind made on first impression as to how he intends to vote, and who adheres to that opinion to the end, and because five of his associate conferees differ with him he makes unjust, unbecoming insinuations against his associates. I admit that impressions made upon me at the beginning of the conference on several subjects which upon examination and hearing and lis-

tening and trying to reach a right conclusion about I changed my mind on. One of these things was the pipe line, another was the amendment of the Senate prohibiting common carriers from transporting their own products other than timber and the manufactured products thereof. I thought at first that was right, but on careful examination I changed my mind, and the Senate amendment touching lumber is the same as the Senate made it. Is it expected that I as a Democratic representative in conference, in order to strike at a great octopus—one that I would like to reach and regulate—should, contrary to the great Democratic idea of fostering competition, strike down independent oil lines and send them into bankruptcy. I believe, Mr. Speaker, that it is a matter of some doubt whether these independent pipe lines are common carriers. I know that there are gentlemen on this side of the House who differ with me. I yielded such doubts and joined my colleagues on the conference in declaring pipe lines common carriers. I do not believe that any declaration of a fact that does not exist upon which the law pronounces an instrumentality of commerce to be a common carrier can make it so unless it is engaged in that business which makes it a common carrier. I am no defender of the Standard Oil Company or anything directly or indirectly connected with it.

Mr. JAMES. Will the gentleman yield?

Mr. RICHARDSON of Alabama. Certainly.

Mr. JAMES. As I understand the gentleman from Alabama, he says that he has a doubt as to whether a pipe line is a common carrier.

Mr. RICHARDSON of Alabama. Yes; I have doubts upon that—upon the facts that exist.

Mr. JAMES. I will ask the gentleman if it is not true that every foot of pipe line which is laid in the States has been laid under the right of eminent domain and that they claim that right as a common carrier?

Mr. RICHARDSON of Alabama. I do not think that is a fact as to all of them. It is true as to the States of California, Colorado, Indiana, Kentucky, New York, and a few other States.

Mr. JAMES. Then, do they lay the pipes, claiming the right as an individual?

Mr. RICHARDSON of Alabama. An instrumentality of commerce can not be made a common carrier unless it engages in public business for the purpose of hire and gain.

Mr. JAMES. How do they get the right to condemn private property except as a common carrier?

Mr. RICHARDSON of Alabama. Well, I do not know. I have never investigated that fully. The Michigan case referred to by Senator NELSON, which went to the Supreme Court of the United States, where it was held that an elevator company which bought its own grain and handled nothing but its own grain was a public concern, and under the regulatory power of the State of Minnesota, was very persuasive to my mind.

Mr. Speaker, the question that occurred to me was this: We do make them common carriers—we require them to carry the products and property of everybody else. We have declared them in this bill to be common carriers, and unless we had inserted "railroad companies" for "common carriers" in the fifth amendment we would have prohibited these pipe lines from carrying their own oil. Considering the difference in the operations of a railroad and a pipe line, I could not consent to do this. "I am willing to carry anybody else's product; I am willing to carry other people's property," says this independent pipe company, "but do not forbid me from carrying my own property, and thereby drive me into bankruptcy." It seems to me that is a great fundamental principle of justice and right. Suppose we had applied the same thing to the timber roads built especially to reach a section of timber, and again extended to reach a more distant field of timber. All these roads are properly common carriers. They carry freight and frequently passengers; but to prohibit them from carrying their own timber and the manufactured products thereof would mean immediate business prostration. That is the proposition, and it is the only one at the bottom of this great question. I know there is a great prejudice against the Standard Oil Company—I possess it myself—but I do not think, Mr. Speaker, that in the attitude of a conferee I ought to yield when I thought in good judgment and common sense that a pipe line ought to be allowed to carry its own product. We made them common carriers, and that, I thought, was far enough to go. [Applause.] I will now, Mr. Speaker, read the pass amendment submitted in this conference report.

No common carrier, subject to the provisions of this act, shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its agents, officers, surgeons, physicians, attorneys at law, ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute,

and homeless persons, and to such persons when transported by charitable societies and hospitals; and the necessary agents employed in such transportation; to inmates of the National Homes and State Homes for disabled volunteer soldiers, and of soldiers and sailors' homes and their boards of managers, including those about to enter and those returning home after discharge; to necessary care-takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies, Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors, newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in wrecks, and the physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and of their immediate families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than \$100 nor more than \$2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among the States" approved February 19, 1903, and any amendment thereof.

This is based on the first antipass Senate amendment No. 4. The Senate conferees receded from that amendment and the conferees presented in the first conference report a substitute which prohibited common carriers from issuing or giving any free passes to anyone at all. The Senate had to pass on it first. A loud and earnest protest from all sections of the country poured in on Senators and Representatives against excluding employees and their families. The report of the conferees was rejected by the Senate. The next substitute in the way of a pass amendment—that no interstate free ticket or free transportation should be given by a common carrier to any officer or person in the service of the United States other than Postal Service or to any State, county, or municipal officer.

Now, this present pass amendment directs to whom the carrier may give free transportation. Of course the railroad company can decline, if it chooses so to do, to give a pass to anyone named.

Amendment No. 7 was left out of the bill, which referred to equally good service and accommodations to all persons paying the same compensation, etc. On a careful examination I believed it was best to let the amendment go out. The real rights of the carriers would not be affected by the amendment whether left in or out, because the Interstate Commerce Commission in three cases decided by it followed the holding of the Supreme Court in the three leading cases, found in 133 United States, 587; 163 United States, 537; 179 United States, 388.

In the first case decided by the Commission, *Council v. The Western and Atl. R.*, 1 I. C. C., 339, it held:

That colored people may properly be assigned separate cars on equal terms, as such a separation of the races does not create undue prejudice or unjust preference.

In the second case, *Heard v. Georgia R.*, 1 I. C. C., 428, it was held:

Separation of white and colored passengers paying the same fare is not unlawful, if cars and accommodation equal in all respects are furnished to both, and the same care and protection of passengers observed.

In the third case, *Heard v. Georgia R. R.* (3 I. C. C., III.), the Commission held that a carrier owes to the traveling public in carrying out its rule of furnishing separate cars for white and colored passengers on its line engaged in interstate travel, the lawful duty to make them equal in comforts, accommodation, and equipment without any discrimination.

In a large number of States statutes provide for separation of school children of different colors, and these statutes have been held valid. This is in line with the well-established rule throughout the country that States may by statute, or carriers may voluntarily provide for separate cars or compartments for white and colored, provided equal accommodation be furnished without discrimination.

Amendments 41, 42, and 43 are a part of the court review and necessarily should be considered together. They constitute what is known as the "Allison amendment." While it is not my purpose, Mr. Speaker, at this time to enter upon what is known as the "broad" or the "narrow" court review, because the debate at the other end of the Capitol, marked by a depth of legal learning and ability rarely, if ever, surpassed in the history of the United States Senate, has challenged the attention and admiration of the people of our country. But it can hardly be denied, under the light of recent decisions, that any act of Congress that would use such words as would clothe a commission with authority to make a final and conclusive rate would be held by the Supreme Court of the United States to be violative of the Constitution, because that would be undertaking to prevent a court from inquiring into the reasonableness and justness of

the rate, thus violating one of the plainest provisions of the Constitution by depriving a citizen of his property without due process of law. I believe, Mr. Speaker, that every citizen has the right to the protection of the courts in his property rights. This can not be denied to him nor can the courts, by an act of Congress, be stripped of the authority to protect property rights against an unlawful or unconstitutional act.

But let us look at the Hepburn bill as amended by what was known as the "Allison amendment." The Hepburn bill made no specific or explicit provision for jurisdiction of the Federal court, at least not in so many words. It was built on the belief that jurisdiction was granted by the Federal judiciary act and that it attached without special request or invocation. The Hepburn bill referred to the venue of suits brought in any of the circuit courts of the United States. "Jurisdiction to hear and determine is vested in such courts" is all that the Allison amendment added. The Hepburn bill invoked provision of expediting act of three judges.

I now submit, Mr. Speaker, an accurate comparison between the bills I have discussed.

SENATE AMENDMENTS COMPARED WITH DAVEY BILL.

Amendment 8, section 6, page 7, from which House recedes. Same as Davey bill, commencing at line 18, page 4.

Amendment 9, page 7, from which House recedes. Same in Davey bill, line 19, page 4.

Amendment 10, section 6, page 7, line 14. Same as Davey bill, line 14, page 4.

Amendment 11, line 15, page 7. Same in Davey bill, line 20, page 4.

Amendment 12, page 7, line 24. (House recedes.) Same as Davey bill, line 5, page 5. Also, amendment 13, line 25, page 7. Same in Davey bill, line 6, page 5. (House recedes.)

Amendment 14, page 8, line 1. Same as Davey bill, line 7, page 5. House recedes with amendment.

Amendment 15, line 4, page 8. Same as Davey bill, line 12, page 5.

(House recedes.) Amendment 16, line 5, page 8. Substantially Davey bill, line 13, page 5.

Amendment 17, line 8, page 8. Same as Davey bill, line 19, page 5. (House recedes.)

Amendment 19, on which House recedes, page 9, line 6. Same in Davey bill, page 6, line 1.

Amendment 21, page 9, line 21, from which House recedes, contains on page 10 same as in Davey bill, page 6, lines 11 to 19.

Special amendment 27, from which House recedes, page 13, line 13, to line 4 on page 14. Same in Davey bill, page 7, from line 5 to line 20.

I have pointed out now the amendments made by the Senate that appeared in the Davey bill. Let us look and see what was taken from the Davey (Democratic) bill and inserted in the Hepburn bill and retained in the bill by the Senate without amendment.

First. The Davey bill, page 6, line 20 to line 24, same in Hepburn bill, page 12, line 6 to line 10, form of schedules and arrangement of tariffs.

Second. Davey bill, page 17, commencing at line 4, down to and including line 17, page 17, same in Hepburn, or present, bill, left there by Senate without amendment; page 28, commencing at line 23, down to and including line 11 on page 29, relative to the preservation of records and requiring copies of schedules and tariffs of rates and charges. Also, Davey bill, page 17, line 18 down to and including line 16, page 18. Same in this bill, page 29, line 15 down to and including line 13, page 30. Amendment made by Senate, No. 44, applied to lines 13, 14, 15, 16, and 17, which the original Hepburn bill had added. This Davey bill paragraph, retained by the Senate, related to re-hearings.

The Davey bill, section 7, page 18, commencing on line 17, including pages 19, 20, 21, and 22, down to and including line 2, page 23, is exactly what was accepted and included in the Hepburn, or present, bill, and taken from the Davey bill and not amended by the Senate, except the Davey bill provided a fine of not more than \$5,000, or imprisonment for a term not exceeding two years, or both, while this bill provides a fine not less than \$1,000, nor more than \$5,000, or imprisonment for a term not less than one year or more than three years, or both such fine and imprisonment.

Thus I have shown that fifteen of the amendments made by the Senate were in the Davey bill as the minority members of the Interstate Commerce Committee filed it, and that many of the most important provisions of the Davey bill as accepted by the majority of the Commerce Committee are retained in the present bill. How, I ask, can the Republicans with these facts in their faces claim that this measure is a Republican measure and claim all the credit for the same?

I now yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. HARDWICK. Will the gentleman answer a question before yielding?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from Georgia?

Mr. HARDWICK. Does not the gentleman think on the subject of this pipe-line business there is a great and a sound public policy involved in requiring common carriers not to engage in any other business except the business of common carriers?

Mr. RICHARDSON of Alabama. That requires a very elaborate answer, and one that I have not time to give now. I have given it all the study I am capable of. I agree with the gentleman in the general policy that common carriers, like the great trunk lines that own coal mines, should not transport their own products, but should not apply to independent pipe lines any more than to timber roads and their manufactured products. I submit my part of the work to this House without hesitancy, believing we have done the very best we could for the country. [Applause.]

Mr. SHERMAN. I now yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

The SPEAKER pro tempore. The gentleman from Georgia is recognized for five minutes.

Mr. BARTLETT. Mr. Speaker, it is gratifying that this legislation has at last assumed a shape where the rights of the people can be enforced against the exactions of the carrying corporations of the country. This bill is not now what I wished it to be, but it will be of immense benefit to the people. I had great fears when this bill originally passed the House that it would never come back to the House in the shape that it is. Our former experience was enough to excite apprehension. But the united force of both parties in this great House of Representatives put behind this most important measure has forced from the other branch of Congress an act which will enable Congress to carry out in a large degree the demands of the people so constantly and so long made upon Congress. Now, Mr. Speaker, I have not the time to go into details of the various Senate amendments. This is the first time this House has been permitted to consider them. I would prefer, if it had been possible, that the provision which provides that sleeping cars shall be classed common carriers should have been put in another place in the bill. I would have them under the control of the Commission, but defined to be "vehicles of transportation."

I have feared, by reason of the decisions of the courts that have been made in reference to that peculiar kind of property, that it may endanger that section of the bill in which we find them. I believe they should be put under the control of the Interstate Commerce Commission. I fear, however, very much, by reason of the definition that you have given them as "common carriers," that you will run counter to all the decisions of the courts, both State and Federal. I desire, however, to call the attention of the House to one amendment of the Senate. It is the one that attracted the attention of the country by reason of the long-continued debate which was made upon that subject in the Senate. I mean the amendment with reference to a court of review. I have no doubt in my own mind that the Congress has the right to limit the right of appeal and the manner of such appeal. I do not desire nor shall I quote decisions upon that subject, because the CONGRESSIONAL RECORD is full of decisions quoted on that subject.

I will, however, say, on the subject of the "court-review" amendment, that the subject of "court review" has received much attention; it gave rise to an able and extended debate in the Senate. The results of the Senate's deliberations are to be found in Senate amendments Nos. 41, 42, and 43, to which the conferees have agreed. The provision in the bill for the review of the orders of the Commission by the courts will be that suits may be brought against the Commission to enjoin, set aside, annul, or suspend any order or requirement of the Commission in the courts of the United States, the venue of which is fixed by the amendment; and provision is made for the hearing of applications for injunction to restrain the orders of the Commission, and the act of February 11, 1903, is made applicable thereto, so that the hearing shall be had before three circuit court judges, and it becomes the duty of the Attorney-General to have the same expedited in the circuit court, as well as in the Supreme Court.

Amendment No. 43 provides as follows:

Provided, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States: Provided further, That the appeal must be taken within thirty days from the entry of such

order or decree, and it shall take precedence in the appellate court over all other causes except causes of like character and criminal causes.

It will be observed that this proviso is in the section which establishes the right of the carrier to file suit against the Commission and to restrain its orders and requirements, and the right to appeal from any "interlocutory order or decree" is confined to the "granting or continuing an injunction," and it must be had only to the Supreme Court of the United States; so that under this amendment, known as the "Allison court-review amendment," an appeal can not be taken by a railroad to the Supreme Court of the United States when the judges who hear the application for an interlocutory injunction to restrain or suspend the enforcement of an order of the Commission refuse to grant the injunction.

Under the decisions of the Supreme Court of the United States, deciding that Congress has the power to limit the matter of appeals and to prescribe how such appeals shall be taken, there can only be an appeal in these cases in the manner provided for in this amendment; and under the other decisions of the Supreme Court of the United States construing acts of Congress providing for appeals from the circuit court to the circuit court of appeals of the United States and to the Supreme Court of the United States, where Congress has failed to authorize an appeal, except in the way pointed out in the statute, no appeal can be had. I am convinced from my investigation of the decisions of the Supreme Court of the United States that Congress has the power to say what shall be the form of proceedings, either in equity or at law, in the courts of the United States, and in what cases an appeal may be allowed. This is a matter in the discretion of Congress, and is exercised by Congress in such manner as shall seem best, in the judgment of Congress, to promote the public business and the true interests of the citizens. I have no desire to refer to or quote from the numerous decisions of the Supreme Court of the United States upon this subject, which have filled the pages of the record of the debate on this subject in the Senate. I cite, however, one case, which has not been referred to by anyone in the debate, and which is, in my opinion, decisive of the question. I refer to the case in the 3 Howard, U. S. R., page 817, *Ex parte City Bank of New Orleans*, from which I quote as follows:

But it is objected that the jurisdiction of the district court is summary in equity and without appeal to any higher court. This we readily admit. But this was a matter for the consideration of Congress in framing the act. Congress possess the sole right to say what shall be the forms of proceedings, either in equity or at law, in the courts of the United States, and in what cases an appeal shall be allowed or not. It is a matter of sound discretion, and to be exercised by Congress in such a manner as shall, in their judgment, best promote the public convenience and the true interests of the citizens. Because the proceedings are to be in the nature of summary proceedings in equity, it by no means follows that they are not entirely consistent with the principles of justice and adapted to promote the interest, as well as the convenience, of all suitors. Because there is no appeal given, it by no means follows that the jurisdiction is either oppressive or dangerous. No appeal lies from the judgments either of the district or circuit court in criminal cases; and yet within the cognizance of one or both of those courts are all crimes and offenses against the United States, from those which are capital down to the lowest misdemeanors, affecting the liberty and the property of the citizens. And yet there can be no doubt that this denial of appellate jurisdiction is founded in a wise protective public policy. The same reasoning would apply to the appellate jurisdiction from the decrees and judgments of the circuit court, which are limited to cases above \$2,000, and cases below that sum embrace a large proportion of the business of that court. (*Ex parte The City Bank of New Orleans*, 3 Howard, U. S. R., p. 317.)

In the bill introduced by Mr. DAVEY, at the instance of the minority members of the Interstate and Foreign Commerce Committee, this provision will be found:

Either party may appeal from the judgment or decree of the circuit court to the Supreme Court of the United States, but such appeal shall not operate to stay or supersede the order of the circuit court nor the execution of any writ of process thereon. In the circuit court and in the Supreme Court the cause shall be given preference over all others except criminal causes.

I think it will be found that of all the bills introduced at this session the "Davey bill" is the only one introduced which contemplated that the appeal should not operate to stay or supersede the order of the circuit court refusing an injunction.

Much has been said about the bill introduced by Representative HEARST; that bill provided for the fullest and most ample court review. In section 10 of H. R. 469, this session of Congress, introduced by Mr. HEARST December 4, 1905, is contained the following provision:

Said court shall thereupon, as speedily as may be, proceed to review the order appealed from as to its justness, reasonableness, and lawfulness upon the said record returned by the Commission, and thereupon if, after hearing the parties, said court shall be of the opinion that such order is unjust, unreasonable, or unlawful, it shall modify, set aside, or annul the same by appropriate decree or remand the cause to the Interstate Commerce Commission for a new or further hearing; otherwise the order of said Commission shall be affirmed. Pending such review the said court may, upon application and hearing, if in its

opinion the order under review is clearly unjust, unreasonable, or unlawful, suspend said order.

Another matter to which I desire to call attention is amendment No. 47, which gives to the shipper the right to demand and have a through bill of lading on all interstate shipments, and makes the railroad liable in spite of any contract, receipt, rule, or regulation which the carrier may impose in the bill of lading. This amendment of the Senate, which is now to become a law, is in almost the exact language used in section 8 of the bill introduced by Mr. DAVEY in January, 1906, which was, in fact, the bill of the minority members of the Interstate and Foreign Commerce Committee.

That section of the Davey bill, referred to, reads as follows:

SEC. 8. That upon the tender of the lawful rates of freight on property offered for transportation to any common carrier engaged in interstate or foreign commerce as defined in the first section of this act, either alone or in connection with other carriers, such carrier shall receive and transport such property. That such carriers are required when they receive said property for transportation to give to the shipper, when it is demanded, a bill of lading in writing stating the quantity, character, order, and condition of said property, and said property shall be received by each successive carrier necessary to complete the interstate shipment and shall be delivered to the consignees in the manner provided by common law, and no limitation upon the liability of such carriers as it exists at common law, whether contained in the said bill of lading or in some special agreement, shall be valid.

So that in addition to the matters which have been called to the attention of the House by the gentleman from Alabama [Mr. RICHARDSON], as having been originated by the minority members of the committee, this most wholesome provision is to become a part of this act, and will enable the shipper to enforce his rights against the carrier, whereas now he is powerless to do so.

But there is one consolation, Mr. Speaker, which this bill, as it will become law, brings to the friends of the measure who are opposed to the delay incident to the "court review" amendment. I do not know whether it was intentional or whether it was an oversight on the part of those who sought to give "a broad court review." The peculiar court review clause of this bill as it was proposed and adopted by the Senate, as it has been accepted by the House conferees, and as it will become law (whether so intended or not) will not permit an appeal to the Supreme Court of the United States where an injunction has been refused. The bill provides for a hearing before three judges of a circuit court of the United States. It provides for an appeal in suits against the Commission when an interlocutory order or decree has been rendered whereby an injunction has been granted or continued. There is not a word which provides that the railroad or any one else may appeal to the Supreme Court of the United States where an injunction has been refused; and if an injunction is sought against the enforcement of the orders and requirements of the Commission, if there can be, as there will be, found honest and patriotic judges of the circuit court of the United States who will not needlessly or causelessly enjoin the operation of the orders of the Commission, there can be no appeal from that judgment to the Supreme Court of the United States.

So that in the bill as it will be enacted into law, as adopted by the House and proposed by the Senate, the great court-review amendment may become, and will become, a "boomerang" against these corporations. And the orders of the Commission will not be suspended if the courts or the judges trying the application shall refuse to grant an injunction staying the enforcement of the orders or requirements of the Interstate Commerce Commission. It is only when the injunction is refused that the railroads would desire to appeal. By some strange oversight this right has not been given to them, hence they will be powerless to appeal when the courts refuse their application for an injunction.

Mr. Speaker, I congratulate this House, I congratulate the country, that at last we are about to take the final step which will put upon the statute books an act that will carry relief to the people who have suffered so many years from the exactions and extortions of the railroad companies. And whatever defects may exist in it, we can congratulate ourselves that the American people will send Representatives to Congress who will amend it in such manner as shall be demanded for their relief. [Applause.]

Mr. RICHARDSON of Alabama. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. GARDNER of Massachusetts). The gentleman has three minutes remaining.

Mr. RICHARDSON of Alabama. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I will only take a minute of the three minutes. I congratulate the House, gentlemen, that we are this near the end of trying to solve this great problem. [Applause.] And I am glad to see that we have

done this not as partisans, but as Americans. [Applause.] I rejoice, gentlemen, that the House of Representatives has finally come to a point to which I tried to get this body to come when this bill first passed the House—that is, to the enactment of an antipass law. [Applause.] You know, gentlemen, I had quite a hard time in the House in getting along with that proposition, and I now have the pleasure of seeing a distinguished opponent of that antipass measure and my efforts to-day reporting an antipass amendment fixed along the same lines of my amendment. [Loud applause.]

I yield back the balance of my time.

Mr. SHERMAN. Has the gentleman from Alabama [Mr. RICHARDSON] exhausted his time?

Mr. RICHARDSON of Alabama. No; not entirely.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. RICHARDSON] has a minute and a half remaining.

Mr. RICHARDSON of Alabama. I yield a minute and a half to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, I was one of the four who voted against the conference report on this railroad rate bill reported to the House last Saturday. My reasons for doing so were that that conference report not only excepted oil pipe line companies from the proposition that there should be a divorce of common carriers from the ownership of the products to be carried, but this report of the conference committee repealed the present interstate-commerce law against the issuance of free passes by interstate railroads.

Mr. Speaker, last October I saw in the Washington press a statement by Mr. Stickney, president of the Chicago Great Western Railway, at some meeting in Washington, that it was a violation of law for railroads to issue free passes. Believing myself that this was a correct statement of the law, I wrote the following letter to the chairman of Interstate Commerce:

OCTOBER 13, 1905.

CHAIRMAN INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

DEAR SIR: I see it stated in the press that Mr. A. B. Stickney, president of the Chicago Great Western Railway Company, at a meeting of the Washington Economic Society, held in Washington City February 3, 1905, referring to the free-pass practice, made the following statement: "The interstate-commerce law not only forbids discrimination in freight rates, but it also prohibits the free transportation of passengers. It makes the acceptance of a discriminating freight rate or a free pass by an individual a misdemeanor, each punishable alike by fine or imprisonment."

It is my opinion that Mr. Stickney's construction of this law as to free passes is correct. Now, I wish to know whether, in the opinion of the Interstate Commerce Commission, the above is the proper construction of the interstate-commerce law. I believe the practice of issuing free passes, except where permitted by law, is a vicious one that ought to be stopped.

If the present law prohibits this practice the law should certainly be enforced. If you will favor me with a prompt reply I will appreciate it.

Respectfully, yours,

To that letter I received the following reply:

INTERSTATE COMMERCE COMMISSION,
Washington, October 17, 1905.

HON. OSCAR W. GILLESPIE, M. C., Washington, D. C.

DEAR SIR: In reply to your inquiry of 13th instant, I send herewith a copy of the report and opinion of the Commission in a case involving the carriage of persons free or at reduced rates, decided in 1891.

The views expressed in that report are entertained, so far as I am aware, by all the present members of the Commission, and are believed to be a correct exposition of the regulating statute.

You will observe, however, that this position was strongly controverted by counsel for the carrier in that case, and it may be that the question is not free from doubt, to say nothing of the practical difficulties of enforcing the law in this as in other respects.

Yours, very truly,

MARTIN A. KNAPP, Chairman.

I then wrote to the chairman of the Commission the following letter:

OCTOBER 27, 1905.

HON. MARTIN A. KNAPP,

Chairman Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I received promptly your reply to my inquiry of the 13th instant, inclosing opinion of the Interstate Commerce Commission on the free-pass question in the case of the Boston and Maine Railroad Company, decided December 29, 1891.

I desire to thank you for this favor. I think the opinion of the Commission in that case is clearly the law, and I believe I realize, at least to some degree, the practical difficulties of enforcing the law in this and in other respects, as you say, but these difficulties should not deter those whose duty it is to enforce the law from making an honest attempt to do so.

Now, I wish to know whether the Commission has ever ruled upon this question, to wit: Whether any person, for the purpose of interstate travel, who solicits, receives, or accepts free transportation, does not, as well as the railroad in giving, violate the first section of the amending act approved February 19, 1903, and subject himself to punishment thereunder?

And also whether the Commission has ever proceeded, under section 3 of the above amending act, to prevent the practice of giving free transportation to persons, or has ever decided whether it has authority to proceed under said section for said purpose?

Thanking you for further courtesy in this behalf, I remain,

Yours, truly,

To which I received this reply:

INTERSTATE COMMERCE COMMISSION,
Washington, October 28, 1905.

HON. O. W. GILLESPIE, M. C., Washington, D. C.

DEAR SIR: In reply to yours of 27th instant, I write to say:

As any adequate answer to your inquiry would involve a letter of unusual length, and as it appears that you are here in Washington, I respectfully suggest that you call at this office for a personal interview on the subject.

Yours, very truly,

MARTIN A. KNAPP, Chairman.

The report and opinion of the Commission sent me by the chairman was in the matter of the carriage of persons free, or at reduced rates, by the Boston and Maine Railroad Company, decided December 29, 1891. Mr. Speaker, I not only believe that it is a violation of the law now upon the statute books for railroads to give free passes, but that it is equally a violation to solicit or receive a free pass, and, further, that under the Elkins amendments to the interstate-commerce law the Commission can go into court and enjoin the railroads from engaging in the practice of issuing free passes.

Believing this to be the present law, I could not vote for a conference report that almost completely repealed it. But, Mr. Speaker, I gladly support the free-pass amendment submitted by the conference report we are now considering, because it not only does not repeal the present law, but makes it more certain and definite. But, Mr. Speaker, I want to record my dissent to the proposition that in divorcing the carrying business from the ownership of products carried by the carrier that we should make an exception of oil pipe lines. We should make no such exception, in my opinion. The large oil concern which can pipe its product to distant markets will always enjoy a monopoly, because it can fix the price so low as to destroy a competitor.

But, Mr. Speaker, I know that much can be said in favor of the conference committee's report on this question. I believe this report is about the best compromise of all differences that could be reached, and therefore I shall vote for it. [Applause.]

Mr. CURTIS. Mr. Speaker, for the information of the House I send a telegram to the desk and ask that it be read in my time.

The Clerk read as follows:

BARTLESVILLE, IND. T., June 28, 1906.

HON. CHARLES CURTIS, Washington, D. C.:

Sending following to several Senators:

The Midcontinent Oil Producers' Association membership produce 60 per cent of this field's output, and is absolutely independent of all pipe-line affiliation. Thorough knowledge of situation is convinced beyond dispute of absolute impracticability of delivery for shipment our various grades of oil. The pile and storage company must buy our oil upon delivery from well, or a great industry is plunged into chaos, from which we see no way of relief.

EXECUTIVE COMMITTEE
MIDCONTINENT OIL PRODUCERS' ASSOCIATION.

Mr. DRISCOLL. Mr. Speaker, when this bill first came before the House for consideration it contained no antipass provision. It was unanimously reported by the Interstate and Foreign Commerce Committee and was passed through the House without amendment. Some effort was made to incorporate into it an antipass amendment or provision, but failed. The Senate had it under consideration for weeks and months, and among the amendments added to the House bill was one providing against the granting of free passes or transportations. That was a fairly good amendment in its general provisions; but it contained too many exceptions, according to my notion, which I discussed in a former speech on the same subject and will not extend my remarks further at this time.

The House, in due form, nonconcurrent in the Senate amendments, and the bill, with all the Senate amendments, was referred to a conference consisting of three Senators and three House conferees. As the result of that conference, so far as this particular part of the law is concerned, the conferees brought into the House a bill containing the following antipass provision:

No carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passage. Any carrier violating this provision shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not exceeding \$1,000; and any person who uses, solicits, or accepts for himself or for another any such interstate free ticket, free pass, or free transportation shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a like penalty.

On June 12, 1906, that bill was again brought up before the House, and Mr. DALZELL, of Pennsylvania, from the Committee on Rules, submitted the following privileged report:

The Committee on Rules, to whom was referred the resolution of the House No. 571, have had the same under consideration, and in lieu thereof report the following:

"Resolved, That the bill (H. R. 12987) to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, with the Senate amendments thereto, be, and hereby is, taken from the Speaker's table; that the House further insists on

its disagreement to the Senate amendments thereto in gross, and that the conference asked by the Senate is hereby agreed to; whereupon immediately, without intervening motion, the managers of the conference shall be appointed."

In the debate that followed on the question of adopting this rule there was much discussion on the antipass provision of this bill, and it quite clearly appeared from the expressions of many Members of the House that it was the consensus of opinion that railroad employees and their families should be excepted from the general law and permitted to accept passes. Other amendments to the bill—sleeping-car, palace-car companies, express companies, and pipe-line companies—received some attention in that debate, but considerable of the time and argument were devoted to the antipass question or amendment in the bill. Mr. GROSVENOR of Ohio, a member of the Committee on Rules, was on the floor urging the adoption of the above report, or rule, when the following dialogue occurred between him and myself:

Mr. DRISCOLL. Mr. Speaker, I wish to know this: If the House now sends this report back to the conferees and the report is not satisfactory to the House in any particular one of these amendments, can the House have a chance to vote on that particular amendment?

Mr. GROSVENOR. They can do it, and do it very easily, and do it without any difficulty, simply by voting down the conference report and send back the bill to the conference with any one or any dozen amendments that we want to have put in the bill. It is the simplest process in the world. Anybody can understand it, and I do not believe now—

Mr. DRISCOLL. Why not do that now?

Mr. GROSVENOR. Simply because it would be treating the conference unfairly.

Mr. DRISCOLL. I have great confidence in the House conferees; they did well the last time, and I hope they will do as well again.

However, many Members of the House, of which I am one, are in favor of a strong antipass provision in this law with an exception in favor of railway employees and their families. The exception should not extend much, if any, beyond this class. Now, if the antipass provision or amendment be stricken from the bill, or be encumbered with so many exceptions as to make it ridiculous and practically useless, we will want an opportunity for a vote on that question. I deem this part of the law very important, for if the companies be permitted to discriminate in the future as they have in the past in the granting of free transportation, my judgment is that the other part of the law against freight discriminations will not, and can not, be rigidly enforced. Both parts must stand or fall together.

I then voted for the rule, with the hope and expectation that the House conferees would at least not consent to a worse antipass provision than that inserted in the bill by the Senate. I was justified in this expectation, for the reason that since the Senate adopted the amendment it was fair to presume that the Senate conferees would stand for it in the conference, and that they would not violate the instructions of the body of which they were members by agreeing to a foolish, ridiculous, and wide-open provision called an "antipass law." But in this I was mistaken, for the joint conferees agreed upon and reported to their several Houses of Congress the following antipass provision:

On and after January 1, 1907, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer or person in the service of the United States, other than those in the postal service, to any officer or person in the service of any State, Territory, or the District of Columbia, or to any officer or person in the service of any county, township, or municipality; and except as herein provided no common carrier shall be prohibited from granting any free ticket or pass for carriage. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and shall, for each offense, pay to the United States a penalty of not less than \$100 nor more than \$2,000, and any officer or person in the service of the United States, or of any State, Territory, or the District of Columbia, or of any county, township, or municipality, who uses, or who solicits or accepts for himself any such free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and any amendment thereof.

This was a very bad and ridiculous provision. In a very loose, disjointed, and defective manner it declared that common carriers subject to the provisions of the act should not, directly or indirectly, issue any free tickets or passes to any officer or person in the service of the United States other than those in the postal service. The force in the postal service is very large, all the way from the Postmaster-General down to the fourth-class postmasters throughout the country, and there was no reason whatever why they should all be excepted from the rule. But aside from the officers or persons in the service of the Government of the United States in the several States, etc., all others were permitted to solicit and accept passes. The Government officials and officers of the Government all the way from Senators down were permitted to solicit passes for members of their families and their friends. And it is very doubtful whether, on a fair construction of the law, Senators and Representatives would not be qualified to accept passes for themselves.

This provision indicated a complete change from the iron-clad antipass law reported by the conferees on the previous

occasion. They seemed to flop from one extreme to the other. This provision was, during the discussion, severely criticised by many Members of the House, and many of them, at least, were anxious to amend it if possible, of whom I was one; and in order to cut off debate, the Committee on Rules moved the previous question, and on a yea-and-nay vote the result was—yeas 121, nays 90. This vote practically expressed the opinions of the Members of the House who voted on the last antipass provision above set forth. It is fair to say that those voting "yea" favored that provision, and those voting "nay" were against it. That was on June 23, 1906.

It appears above that when Mr. GROSVENOR was on the floor I asked him if the House then sent that report back to the conferees, and it was returned unsatisfactory to the House in any particular one amendment, whether the House could have a chance to vote on such amendment; and he said that could be done, and done easily, and without any difficulty, simply by voting down the conference report and sending the bill to a conference with any one or any dozen amendments that we wanted to have put into the bill. He said it was the simplest process in the world; that anybody could understand it. I asked him why not do that then, and he replied that it would be treating the conference unfairly. I thought very likely that was so. I had confidence in the House conferees, for they had then reported such a strong provision against the granting of passes, and I voted for the previous question and for the resolution or rule.

Then, on June 23, when the bill was before the House again on the question of adopting the report containing this ridiculous antipass provision, I asked Mr. DALZELL, from the Committee on Rules, in the absence of Mr. GROSVENOR, to tell us how we could get a chance to vote on this particular amendment, and he said it could easily be done by voting down the report. This appears more fully in the following extract from the CONGRESSIONAL RECORD of June 23, 1906:

Mr. DRISCOLL. Mr. Speaker, will the gentleman yield?

Mr. HEPBURN. I yield to the gentleman from New York.

Mr. DRISCOLL. Mr. Speaker, following up what the gentleman from Alabama [Mr. RICHARDSON] has just said, when this matter was before the House the last time and was to be submitted again to the conferees, the gentleman from Ohio [Mr. GROSVENOR] had the floor. I asked him then if, when the report was brought back to the House and the House was not satisfied with any particular amendment or any particular part of it, we could get a chance to vote on each amendment. He said yes, very easily. Mr. GROSVENOR is now not present, and I wish either the Speaker, who is a member of the Committee on Rules, or the gentleman from Pennsylvania [Mr. DALZELL], who is also a member of the Committee on Rules, would tell us how to do that easily.

Mr. DALZELL. Why, Mr. Speaker, nobody, neither the gentleman from Ohio [Mr. GROSVENOR] nor myself undertook to say that any Member of this House could not exercise his right to demand the previous question at any time. If the House wants further debate on this matter, it can vote down the previous question and debate it until it is ready to order the previous question. Nor did the gentleman from Ohio [Mr. GROSVENOR] nor myself say that there was any way to discuss the individual items of the conference report except by voting down the report, and amending the same.

The previous question was moved and ordered, as stated above. Then on the roll call on the question of adopting the report we were either required to vote for it or against it. If we voted for it, it would mean the approval and acceptance of that very bad antipass provision. If we voted against it our action was liable to misconstruction by some who, without full consideration and information on the subject, would be apt to think that we voted against the railway rate bill.

I was one of the four who could not approve of the antipass provision contained in the report, and voted in the negative and did not change my vote. I had inserted in the RECORD quite a long speech on this particular part of the railroad rate bill, and incidentally said that I had voted for that bill and would do so again. And after my vote on that occasion was reported in the Syracuse papers I received a few letters from friends inquiring if I voted against the bill, notwithstanding my positive statement to the contrary. I was somewhat surprised at those questions, because I did not think there was a person in the district which I have the honor to represent who would be persuaded to believe or suspect that I would vote against a good, strong railway rate bill, according to the lines laid down by President Roosevelt in his message. For, while I have no prejudice against railroad companies, and believe that they should be treated fairly in all respects, yet I own no railroads and no railroad owns me, and my constituents are aware of that.

Now, I trust I may be pardoned for saying that I am pleased that the Senate rejected this report after three days' discussion, and rejected it by a large majority and without a roll call, and that the House conferees have been compelled to recede and accept substantially the full Senate amendment. This antipass

provision which is now before us is fairly good. It prohibits the granting of free passes or transportation to all persons except a few who are expressly described. Among them are employees of railroad companies and their families.

It is claimed that there is no consistency in permitting railway companies to grant passes to their own employees and members of their immediate families and denying the privilege of granting passes to other people generally. With this assertion I can not agree. There is, in my judgment, a distinct difference between the two cases. The contractual relation of master and servant exists between a railway company and each of its employees; and the company has a legal right in its contracts to grant its employees as a part of their salaries a certain amount of transportation.

No one would question but that a railway company would have the legal right to pay a fireman \$50 a month and board, or to pay an engineer \$100 a month and lodging at the other end of his route; or to pay a conductor a certain monthly salary and house rent; or to pay a trainman a certain monthly salary and provide him uniform. And by a parity of reasoning, why would it not be legal for a railway company to pay its men certain monthly salaries and transportation to and from their work, and a certain amount of transportation for members of their immediate families? It is simply a part of their compensation or consideration for their work.

The other exceptions to the general rule in the present report before the House are in favor of poor people generally, many of whom would have to walk if they were not favored with free transportation. There is no great harm in that. It will regulate itself, for the companies will not grant passes to that class of people. They do business on business principles, and grant passes only to people who are able to make good and return due consideration in some form or another.

This provision, as I understand it, will meet the approval of the Senate; and it is so much better than the one I was obliged to vote against a few days ago that I am pleased now to record my vote for it. [Applause.] And in doing so I can vote for the rate bill, and that is a pleasure, not only because I think it ought to pass, but for the reason that I can keep my word.

If this antipass law is strictly enforced it will accomplish much good; but if it is winked at, connived at, and violated, as the original law has been, then it may as well not be on the books. And if railroad companies are in the future permitted to discriminate in the passenger traffic they will also be permitted to discriminate in the freight traffic, for the same principle underlies both—that all must be treated alike; that there must be no favoritism, no partiality, no discriminations. Both parts of this law must stand or fall together.

Mr. GILLESPIE. Mr. Speaker, I also ask the same privilege.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. On this subject?

Mr. SHERMAN. On this subject.

The SPEAKER pro tempore. The Chair so understands it. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Speaker, but four sentences, and no more. The committee of conference of the House has struggled hard to bring in here, what they believe they have now presented, a sane and a sensible report. They have not been swerved from the path of sanity and of duty by pictures of the hundred-handed briareus, nor have they been kept from following what they believed was the path of wisdom and justice by pictures of the octopus hung over them, nor even of word pictures of brands upon their brows. And, Mr. Speaker, I desire to say for the conferees who have signed this report that they manifested throughout the whole deliberation a degree of honesty and fidelity which certainly equals that which the single gentleman who has not signed the report admits he possesses. [Loud applause.] I move the previous question on the adoption of the report.

The question was taken, and the previous question was ordered.

The question was taken on the adoption of the report, and it was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

GENERAL LEAVE TO PRINT.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that all gentlemen may have leave to print upon the subject of this bill within five days.

The SPEAKER. The gentleman from Iowa asks unanimous consent for all Members to print remarks upon this bill for five days. Is there objection. [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. COLE, by unanimous consent, obtained leave of absence indefinitely on account of death in family.

COLLECTION OF THE REVENUE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19750); and pending that, I ask unanimous consent that the session, continuing not later than 11 o'clock, shall be devoted exclusively to general debate upon the bill.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. You are not going to commence debate now?

Mr. PAYNE. Yes; right off.

The SPEAKER. The Chair hears no objection. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the customs administration bill.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CAPRON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19750.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to print in the RECORD certain newspaper clippings which I collected over two years ago, taken from the London and American press in the year 1902, and possibly other years, touching upon how and why the English Tobacco Company and the Duke Tobacco Company combined to control the tobacco markets of the world.

This combination, I claim, is unlawful under the antitrust act of 1890, and I have so charged for a long time. This monopoly is now being investigated. I desire to have these clippings printed in the RECORD in order that Congress and the people may learn something about why and how this international and unlawful combination was formed.

This tobacco trust and the Regie buyers have been unlawfully oppressing, to an unbearable extent, the tobacco growers in Kentucky, Tennessee, and the Atlantic States, but particularly in Kentucky and Tennessee. These clippings are very interesting reading and purport to quote some of the statements, undisputed, made in 1902 at the time this combination was formed by Mr. Duke, Mr. Ryan, and others in London.

[The Tobacco Leaf, New York, vol. 39, No. 39, October 8, 1902, p. 6.]

THE BIG COMBINATION.

The recently arranged agreement between the American and Imperial Tobacco companies continues to absorb the attention of the trade at large. And considering the vast value of the interests involved and possible scope of the combination, it is not surprising that many misleading and exaggerated statements should have been published on both sides of the Atlantic. But now that surprise has about exhausted itself and things have been allowed to simmer down, a more comprehensive view of the situation may be formed. The clearest statement of the case yet set forth is contained in the official explanation made by Thomas F. Ryan on his return from London, and which reads as follows:

"The agreement made between the representatives of the Imperial Tobacco Company, of England, on the one hand, and the Consolidated Tobacco Company, on the other, was mutual in its character, and entirely satisfactory to both sides. It was accomplished by friendly conference after full consideration of the interests of all parties affected. The agreement has an international character which has not belonged, I think, to any previous trade arrangement. It means the union of the representatives of an important business in Great Britain and America for the purpose of seeking trade hand in hand throughout the world.

"My visit to London grew out of an invitation extended to me in July last by the directors of the British company, after several of the directors had visited the United States, and while here had conferred with Mr. Duke, president of the Consolidated Tobacco Company, and myself regarding the respective interests of the companies we represented. The agreement made to transfer to the Imperial Tobacco Company the business of the Consolidated Tobacco Company in England was made for full and satisfactory consideration. The American company becomes a large shareholder in the English company, with three representatives on its board of directors, one of which is Mr. Duke.

"The Consolidated Tobacco Company will pursue its business in the American field, including not only the United States, but Cuba, Porto Rico, the Hawaiian Islands, and the Philippines, without competition from the British company. The Imperial company will not encounter the competition of the American company in the businesses of the United Kingdom of Great Britain and Ireland, including Scotland and Wales. In the new British-American company the British company has one-third of the stock and the American company has two-thirds. The board of directors consists of six representatives of the British company and twelve of the American, with Mr. Duke as its president, who remains abroad to perfect the organization. This British-American company will take over the entire business of the Imperial company and of the Consolidated company in all foreign countries and in the colonies of Great Britain, including India, Canada, and Australia. The agreement made is satisfactory to both sides and equitable to all interests represented."

[The Times, London, Monday, September 29, 1902, p. 4.]

THE TOBACCO TRADE.

The Press Association is authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogden company's good will by an issue of ordinary shares. It has also been decided to amalgamate the export businesses of the competing parties and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday. The Press Association adds that so far as the arrangement has been disclosed the directors of the Imperial company have effectually secured the control of the home trade as well as some proportion of the trade in all other parts of the world excepting the United States of America.

[Pall Mall Gazette, London, Monday, September 29, 1902, p. 8.]

THE NEW TOBACCO SITUATION—SCHEME TO CONTROL THE WORLD'S TRADE—"A BAD JOB FOR RETAILERS AND THE PUBLIC."

The agreement between the Imperial Tobacco Company and the American Tobacco Company was signed on Saturday.

The British company now enters into possession of the whole of the interests of the American company in this country, including the business of Messrs. Ogden (Limited), and the British company agrees to cease its plans for manufacturing in the United States, leaving the American company undisturbed on the other side of the Atlantic.

It is also announced that a highly interesting agreement has been reached with regard to the tobacco trade of the rest of the world. This will be mutually developed by amalgamating the export businesses of the hitherto competing parties. The amalgamation takes the form of a new company, the British-American Tobacco Company (Limited), with headquarters in London.

The position of the retail traders was discussed this morning by one of the leaders of the movement, which resulted in the formation of the Retail Tobacconists' Association.

"How," asked our representative, "will the Imperial trust under the amalgamation scheme affect the retail trade?"

"That," was the reply, "will depend upon their procedure after having obtained a supreme position. If they deal in a reasonable manner we shall view the situation with equanimity, but if the new trust attempts to squeeze us, or act tyrannically, we shall support the independent firms which have no connection with combinations."

A retailer in a large way of business said to our representative, "I regard the amalgamation as a bad job for retail dealers and the public."

[The Westminster Gazette, London, Monday, September 29, 1902, p. 8.]

END OF THE TOBACCO WAR—A NEW BRITISH-AMERICAN COMPANY.

The tobacco war has ended in the amalgamation of Ogden's with the Imperial Company, with Mr. Duke and Mr. R. H. Walters and Mr. T. Ogden on the board, the withdrawal of the Imperial Company from America, and the inclusion of both parties in a company (with a capital of £6,000,000) to deal with the rest of the world.

The Imperial Company, it is said, will continue to pay their bonus as provided by their agreement, but it is not known what will be the position with regard to the £200,000 promised by Ogden's.

Most of the small retailers in London view the present outlook with no great alarm. Of course, Ogden's having lately conducted their business at a loss, Ogden's goods will naturally be raised in price, but those dealers who have had dealings with both of the companies think that the Imperial Company will not adopt any tyrannical tactics. In fact, the general opinion seems to be that matters will be much the same as before the "tobacco war" was thought of, and that the Imperial Company will treat retailers fairly and not in "the usual American way."

Ogden's have sent a circular to all retailers to the effect that they have sold their business to the Imperial Tobacco Company, as far as regards the British Isles, and request that all unexecuted orders may be considered as canceled.

[“Tobacco” (journal), New York, vol. 33, No. 22, October 3, 1902, p. 3.]

END OF THE TOBACCO WAR IN ENGLAND.

It was announced by cable from London early this week that the trade conflict between American and British tobacco interests which has been in progress for something over a year had at length been terminated by an amicable arrangement, which it is believed will in the end be advantageous to both parties.

According to an official statement given out in London, the American and Imperial tobacco companies are to join hands in a new company, to be known as the "British-American Company," which will seek for trade in all parts of the United Kingdom of Great Britain and Ireland and the United States and Cuba. The trade in the United States and Cuba will be left to the American Tobacco Company and that of the United Kingdom to the Imperial Tobacco Company.

Ogden's, Limited, the British branch of the American company, has been transferred to the Imperial, and James B. Duke, R. H. Walters, and Thomas Ogden are to become members of the board of directors of the Imperial, while James B. Duke will be president of the new British-American company. The Imperial paid for the good will of Ogden's, Limited, in ordinary shares ranking with the similar shares of the original vendors, and paid for the tangible assets in cash.

The first board of directors of the British-American Company will consist of twelve men heretofore identified with the American company and six from the Imperial, as follows: Sir William Henry Wills, J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo von Reitzenstein, Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, Thomas Ogden, R. H. Walters, P. R. Walters, Percy Ogden, and Harold Roberts. The capital stock of the British-American Company will be \$30,000,000, and it is to be apportioned one-third to the American interests. For the present the new company will have its headquarters in London; but it is stated that there is nothing to prevent transferring the headquarters to New York if it should be deemed later that it can be operated more conveniently at this point. It is further stated that with the colonial business which the Imperial transfers to the British-American the new corporation will begin operations with a ready-made annual trade of 4,000,000,000 cigarettes.

An official of the American Tobacco Company, in an interview with an Associated Press representative, commented on the matter as follows:

"It is the first combination, to my mind, on right lines, and one that assures real unity of interests where powerful American and English concerns go out hand in hand to seek the trade of the rest of the world. It has been a difficult matter, requiring the most careful consideration. The negotiations have been proceeding since August 19. It was a subject which could not be discussed in the press while they were in progress, but now that they are concluded we have decided to issue an authoritative statement to head off garbled accounts. Personally, I think the lines on which this combination is formed are destined to affect the larger field of general Anglo-American commercial relations."

Another official of the American Tobacco Company is quoted as saying:

"We are decidedly pleased at the outcome of the negotiations. Not only are we pleased at the good business deal, out of which we made several millions, but we are pleased because the combination means a real amalgamation of interests instead of buying off an opposition at a price which appears to the opponent to be a profitable figure. Such a real working combination of American and English interests as has just been effected will in any line of business unquestionably dominate the trade of the world."

A cablegram from London reports President Duke as saying:

"Is it not a grand thing in every way that England and America should join hands in a vast enterprise rather than be in competition? You may suggest that we have formed a huge monopoly, but we have done nothing of the sort. We do not represent half the tobacco in England."

"Those who say that the monopoly will be shown by a rise in prices are wrong. Prices will not go up. The tendency will be entirely the other way, because now we shall effect a great saving."

"We have formed an alliance. That is what the new company will be. Instead of England and America wasting time and money in fighting one another they will now help one another. We shall enter new fields together."

"You may say that my method of seeking an alliance by making war was a strange one, but experience teaches and I have learned."

When asked about the Ogden bonus, a matter which greatly stirs retail tobacco dealers in England, President Duke said: "As Ogden's (Limited) has ceased to exist, so has the bonus. After the payment of the quarter's installment, which is due to-day, nothing further will be paid."

Remarking upon the consumption of tobacco in England, which is only 2 pounds per capita as against 6 pounds in the United States, President Duke said he believed the small consumption in England was due to the high duty on tobacco, and that the reduction of this duty would result in trebling the revenues from it.

[Tobacco Leaf, October 8, p. 2.]

On Monday morning the British-American Tobacco Company (Limited) was formally registered at Somerset House in London. The capital of the company is \$30,000,000, which is divided into \$7,500,000 worth of preferred and \$22,500,000 of ordinary shares. The first directorate will hold office until 1904. The head offices of the company will be in London. The company offered no shares to the public. The cable advises that the Imperial Company has already issued a circular giving a revised list of prices, confirming the reported discontinuance of the Ogden bonus, and expressing the hope of presenting an entirely new bonus scheme for the next financial year. The revised list practically restores the prices that were in vogue prior to American operations in the English tobacco field. That any practical change in present trading conditions will occur in this country is hardly likely, for the reason that the Imperial's interests in manufactured products were comparatively small.

[Tobacco Leaf, October 1, p. 4.]

J. B. Duke, R. H. Walters, and Thomas Ogden will be elected to seats in the Imperial board, and the first directors of the British-American company will consist of Sir William Henry Wills, J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo von Reitzenstein, Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. The transfer of Ogden's English business will take effect on September 30, and from that day it will be in the hands of the Imperial company. It is believed this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

A Leaf representative called on a prominent official of the American Tobacco Company at their offices, 111 Fifth avenue, this city, and was given the following supplementary statement:

"It is the first combination, to my mind, on right lines, and one that assures real unity of interests where powerful American and English concerns go out hand in hand to seek the trade of the rest of the world. It has been a difficult matter, requiring the most careful consideration. The negotiations have been proceeding since August 19. It was a subject which could not be discussed in the press while they were in progress, but now that they are concluded we have decided to issue an authoritative statement to head off garbled accounts."

"Personally, I think the lines on which this combination is formed are destined to affect the larger field of general Anglo-American commercial relations. We are decidedly pleased at the outcome of the negotiations. Not only are we pleased at the good business deal, out of which we made several millions, but we are pleased because the combination means a real amalgamation of interests, instead of buying off an opposition at a price which appears to the opponent to be a profitable figure. Such a real working combination of American and English interests as has just been effected will in any line of business unquestionably dominate the trade of the world. Regarding the details, you can say that the capital of the British-American company will be \$30,000,000. Mr. Duke will be the president. While it is convenient to register it as an English company and have its headquarters in London we have named twelve directors and the Imperial company's interests have named six. Their respective financial interests are two-thirds American and one-third English. There is nothing to prevent transferring the headquarters to America if it ever proves more convenient to operate here, but at present the business can be best carried on in London. We have named three directors for the board of the Imperial company, which will hereafter confine itself to the United Kingdom, while the British-American company goes in for the world's trade outside of the United States, Cuba, and the United Kingdom."

"The Cuban provision insures for Americans the cigar business of the island, of which we now control 80 per cent. The Imperial Company throws into the new company its colonial business. So, with our trade outside the United States, the British-American Company starts with a ready-made annual business of 4,000,000 cigarettes alone. Regarding the Imperial Company's factories in the United States, concerning which considerable matter has been printed in England, they are merely leaf factories, and will be operated for that purpose."

"A representative of your company has been quoted as saying that this is the first move in the game which will result in a giant combination of the interests of the Consolidated Tobacco Company and the Imperial Tobacco Company," the leaf representative remarked.

"There are no further steps to be taken," answered the official. "The late amalgamation is all that is necessary. The British and American interests will now work in harmony and as one concern, which they virtually are."

"Was the Imperial forced to accept the amalgamation proposition?" "The joining of these interests was equally desired by both factions, and both are well satisfied with the result. I think that we tobacco men, Americans and Britons, have set an example which will be followed by other branches of commerce."

Thomas F. Ryan, director of the American Tobacco Company, who has been in England participating in the negotiations with the Imperial Company, returned yesterday on the Kaiser Wilhelm der Grosse. In a statement to the press he said that his negotiations toward a working agreement had been entirely successful. "The agreement made," he said, "leaves the British field open to the Imperial Tobacco Company on condition that it does not compete with the American Tobacco Company in this country. The rest of the world, however, is an open field for both companies."

[The Magazine of Commerce, London, vol. 1, No. 1, November, 1902, p. 50.]

THE TOBACCO COMBINE.

The great tobacco war has resulted in the rival parties coming to a compromise. The net result is that we have one big trust instead of two competitive trusts. The halcyon days of the retailer and consumer are over. It is satisfactory that the British company carries off the honors of the war. Mr. Duke and Mr. Ogden join the board of the Imperial Tobacco Company, which now controls by far the greater part of the home trade, while a new company is to be formed to acquire both the American and the British foreign trade. The Yankee retains his own home trade to himself. The two rivals could not have continued at their cutthroat policy for long, and it was to be expected that some compromise would be arrived at, as the Americans were not the men to be completely bowled out of the country. An interesting point, however, arises as to the liability of Mr. Duke's company. In March last that company promised that for four years from April 2 it would distribute among its customers £200,000 per annum in addition to the whole of the net profits of Ogdens (Limited). Does this now become a liability of the Imperial Tobacco Company? Mr. Duke airily replies, "No." It would be a good thing if some legal responsibility attached to the wild promises made when trust meets trust. There is some talk of the consumer having now to pay for the extravagant expenses of the war. While such popular brands as Taddy's, Gallaher's, and Cope's remain outside the trust this is not likely to occur.

[The Magazine of Commerce, London, vol. 1, No. 3, January, 1903, p. 234.]

TOBACCO.

The Imperial Tobacco Company have launched a new bonus scheme for their trade customers, but at the time of writing these notes it is not possible to gauge the reception with which the scheme will meet. Briefly, the company undertake to set aside one-fifth of the net profits on their sales within the United Kingdom for distribution among their customers. On their side the customers are to conform with the company's prices and terms, and to boycott any person or firm who does not conform with those prices and terms. The London executive of the United Kingdom Tobacco Dealers' Alliance have recommended their various branches and associations to discuss the situation, and in the meantime not to tie their hands to any trust. The salient part of this agreement would appear to be the "prices and terms" of the Imperial Company, and it is noticeable that the Dealers' Alliance have advised their members to refrain from pushing any proprietary goods which do not carry the 20 or 25 per cent minimum schedules. As we have pointed out previously in these notes, there are some important concerns outside the British combine, and in the counsels of the Imperial Company this fact must weigh to the advantage of the retailer. Efforts, however, to prevent that price cutting which has been the ruin of so many of the dealers are to be commended.

[The Statist, London, October 4, 1902, p. 580.]

THE TOBACCO COMBINES—END OF THE WAR.

It is expected that sometimes happens. And it is the expected that has happened in the termination of the tobacco war. With the formation of the Imperial Tobacco Company in February last, organized with the avowed object of combating "the obvious intention of controlling the British tobacco trade in the American interest" disclosed by the purchase of the business of Ogdens (Limited), by the American Tobacco Company, it was evident that the final result of the warfare would be either the overwhelming defeat of one of the parties or an amalgamation or compromise of some kind. The first alternative, taking into consideration the strength and standing of the opposing forces, was hardly within the range of practical politics, and as time went on it became increasingly evident that a compromise of some kind was inevitable. It has now been brought about, and an official announcement was made on Monday that the Imperial Tobacco Company had purchased the business of Ogdens, and that the export businesses of the two combines were to be amalgamated in a joint company. The official announcement is as follows:

"The business of Ogdens (Limited) has been transferred to the Imperial Tobacco Company, and the export businesses of the Imperial Company, Ogdens (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Com-

pany will pay for the good will of Ogdens' business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart., Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Waters, Percy Ogden, and Harold Roberts. The transfer of Ogdens' English business will take effect on the 30th inst., and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests, joining hands instead of competing against each other in the sphere of commerce."

And as a sequel to the above there has been registered at Somerset House the British-American Tobacco Company (Limited), with a capital of £6,000,000, divided into 1,500,000 preference and 4,500,000 ordinary shares of £1 each. It is not proposed to offer any shares to the public.

We may recall that it is now just over twelve months since the shareholders in Ogdens (Limited) accepted the offer of the American Tobacco Company to purchase their undertaking. To meet more effectively the competition threatened, the chief British manufacturers agreed to amalgamate their business, and in February, 1902, the Imperial Tobacco Company of Great Britain, and Ireland (Limited) was floated with a capital of £17,500,000, of which there has been issued £14,518,097, the various companies taking the whole of the ordinary shares of the Imperial Company, while £1,000,000 of 4½ per cent debenture stock and £3,000,000 in 5½ per cent cumulative preference shares were offered to the public. The Imperial Company also made an agreement with Salmon & Gluckstein (Limited) under which the 450,000 £1 shares of that company were converted into 10 per cent preference shares, the dividends being guaranteed by the Imperial Company, the latter taking all surplus profits. Almost immediately a period of sharp competition and rate cutting commenced, with offers of bonuses and profit-sharing schemes to the dealers, and issue of coupons entitling the free gifts to customers on behalf of Ogdens (Limited). A counter move was also made by the British company, which entered the American field to fight the American Company on its own ground. And it is very evident that some large losses must have been incurred; and it has been apparent for some little time that the insane competition would have to cease.

The announcement, therefore, of Monday was not altogether expected, and the decision of the American company to give up the contest is certainly a wise one. The American company retires to America; the British company confines its operations to Great Britain, and the export businesses of the two combines are taken over by the new joint concern. The British company has plenty of scope for business and expansion, and it can not be too strongly urged that its success depends largely upon the use it makes of the extremely strong position in which it stands. It is to be hoped that no measures to inflate prices will be taken. That some prices must be increased is, of course, certain. But any attempt to "corner" the trade would be futile, and we do not suppose that any such attempt will be made. The organizers of the British company have proved their business ability, and with the same able management continued the company should have a prosperous career. The present price of the £1 5½ per cent, preference share is 23s. 6d., giving a yield of about £4 16s. 6d. per cent. On the basis given in the prospectus of past results, the amount required for the preference dividend was covered four times over. With the improved prospects the shares do not appear overvalued. At the price of £106 for the 4½ per cent debenture stock the yield is about 4 per cent. The stock is well secured, and is also worth attention.

[British Trade Journal, London, November 1, 1902, p. 446.]

TOBACCO TRADE.

Early in the month it was announced that the American Tobacco Combine and Ogdens (Limited), in England, had been amalgamated with the Imperial Tobacco Company (Limited), of London, the markets of the world having been divided between the two concerns. The Imperial Tobacco Company have issued a new price list, which will show a larger margin of profit for retailers, and there will be a minimum scale of retail prices which will be rigidly enforced, thus preventing "cutting."

[The Tobacco Leaf, October 1, 1902, p. 6.]

The recently concluded international tobacco agreement promises to be big with indirect as well as direct results. A telegram received here yesterday conveys the information that the Louisville Tobacco Warehouse Company, composing a majority of the tobacco warehouses of that city and controlling the greater portion of the tobacco trade in Louisville, has submitted to its stockholders a proposition made by the houses outside of the combination which, if accepted, will mean the purchase of seven more warehouses there, given the "combine" practical control of that market. The seven warehouses which it is proposed to purchase handle about 35,000 hogsheads a year. If the deal is ratified it will go into effect on November 1. Another telegram from Richmond, Va., says that the completion of the Anglo-American deal has thoroughly demoralized the tobacco market there, the anticipations evidently having been that the "war" was to have been waged for an indefinite period, and business was being trimmed accordingly. The agreement is undoubtedly a great disappointment to southern and western tobacco-market interests.

[The Daily News, London, Monday, September 29, 1902, p. 5.]

TOBACCO WAR ENDED—ARRANGEMENTS FOR PEACE.

We are authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogdens' English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogdens Company's good will by an issue of ordinary shares. This has been accompanied by an agreement to amalgamate the export businesses of the competing parties and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogdens business will take effect next Wednesday.

The announcement of the termination of the "tobacco war" has been anticipated for some days. So far as the arrangement has been disclosed the directors of the Imperial Company have effectually se-

cured the control of the home trade, as well as some proportion of the trade in all other parts of the world, excepting the United States of America, where the American Company will not be disturbed. It is unlikely that the Imperial Company will conduct their newly-acquired business on the lines hitherto pursued by Messrs. Ogden under the direction of their American allies.

THE BRITISH COMBINE—SOME DETAILS OF THE PLAN.

A Bristol correspondent has had an interview with a gentleman whose position carries great weight in the tobacco trade and who is intimately associated with the Imperial Company. This gentleman, while naturally reticent as to details, was able to throw a good deal of light on the nature of the terms under which Ogden's business has been acquired. Asked if it were true that the Imperial Company were paying a substantial sum for the good will of Ogden's, he replied that it was difficult to see what good will there was to be purchased. Of course there were assets, and these would be paid for. The new British-American company, he added, was to be a British registered company and not an American one. The question of the position of the British colonies next arose, whether they were included in the British interest retained by the Imperial Company or whether they were included in the foreign field to be worked by the new amalgamation. It may be taken that the colonies will come under the latter category, and the same remark applies to Cuba. Broadly speaking, the position is this: The United Kingdom will be in the hands of the Imperial Company, the United States will be left in the undisputed possession of the American Company, and the rest of the world, for the purposes of the amalgamation will be treated as foreign. As regards the question of bonus, the informant stated that the Imperial Company would continue to pay their bonus as provided by their agreement, but he did not know what would be the position with regard to the £200,000 promised by Ogden's. It would certainly not be paid by the Imperial Company.

The British combine was formed in February last, and was originally constituted of thirteen English and Scotch firms, including Messrs. W. D. and H. O. Wills, of Bristol; Messrs. Lambert & Butler, of London; Messrs. John Player & Sons, of Nottingham; Messrs. Hignett Brothers, of Liverpool, and Messrs. Stephen Mitchell & Son, of Glasgow. Two or three other firms have since entered the combination. The share capital of the company is £15,000,000 sterling, divided in equal number of preference, preferred ordinary, and deferred ordinary shares of one pound each, and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock. The purchase money amounted to just under twelve millions sterling (£11,957,022), of which ten and a half million sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly seven millions sterling (£6,992,221), the next largest being Messrs. Lambert & Butler, with £754,306.

[The Daily Chronicle, London, Friday, September 26, 1902, p. 7.]

THE TOBACCO WAR—SOME POSSIBLE DEVELOPMENTS.

In the tobacco trade generally important developments are expected to arise from the visit to this country of American tobacco magnates. These include Mr. J. B. Cobb, vice-president of the Havana cigar trust; Mr. Duke, and Mr. Fuller, the legal representatives of the American trust. The visitors are staying at the Carlton Hotel, and yesterday they were, it is stated, joined by two representatives of Messrs. Ogden's, who came from Liverpool. The impression in the trade is that a speedy arrangement will be come to between the Imperial Company and the American trust. The former, it is asserted, is anxious to buy out the interests of its American rival in Britain, with the object of securing complete control of the home market. The war for trade supremacy has cost both "combines" a considerable amount of money, and it is an open secret that they are desirous of, if possible, putting an end to the struggle on terms which would be mutually advantageous to both sides. Already the Imperial Company has opened a number of retail shops in London and the provinces, and there is a possibility of their number being increased largely should the negotiations between the rival companies prove successful. The shops do not bear the company's names, but they are, as a matter of fact, "tied" houses. By reason of this new inroad upon their business the retailers are up in arms, bitterly resenting the action of the English company. As a result of this new move on the part of the Imperial Company directly to push their own goods, a Daily Chronicle representative learned yesterday that there is a possibility of yet another "combine" being formed. This time it is the manufacturers not represented on the English trust who speak of amalgamating, with the hope of turning to commercial account the growing hostility of the retail trade to the Imperial Company.

[The Daily Chronicle, London, Monday, September 29, 1902, p. 5.]

THE TOBACCO WAR—AMALGAMATION OF THE RIVAL TRUSTS—FORMATION OF AN ANGLO-AMERICAN COMPANY.

From hated trade rivals the American Tobacco Company and the British Imperial Tobacco Company have become close commercial allies, and the important developments foreshadowed in The Daily Chronicle of Friday last have come to pass. As the result of the conference in London between Messrs. Duke, Cobb, Harris, and Ogden on the one hand and Sir W. Wills and his fellow British representatives on the other, an arrangement fraught with future commercial possibilities of the highest importance has been arrived at. The following is the official statement:

"The business of Ogden's (Limited) has been transferred to the Imperial Tobacco Company, and the export businesses of the Imperial Company, Ogden's (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American company is not to be disturbed in the United States or Cuba, and the British-American company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart., Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player,

C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. The transfer of Ogden's English business will take effect on the 30th instant, and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests, joining hands instead of competing against each other in the sphere of commerce."

A Daily Chronicle correspondent learns that the capital of the new company will be £6,000,000. The result of the conference, with its scheme of amalgamation and formation of a new trust—for as such it is candidly regarded by the trade—is looked upon by wholesale and retail dealers alike with feelings of alarm. An immediate advance in prices is considered certain. The Wholesale Tobacconists' Protection Association has not been altogether unprepared for the turn which affairs have taken. From the war of the "combines" they have hitherto reaped a rich financial harvest. No secret has been made of the fact that they were carefully playing off one "combine" against the other; "squeezing" each in succession, and extorting concession after concession. But all this, it is anticipated, must now end. Absolute master of the home market, and with no powerful rival to fear, the Imperial Company, it is felt, will speedily dictate fresh terms to the trade. Already the wholesale tobacconists are moving in the matter, and steps have been taken to summon an early meeting of the trade.

A prominent member of the wholesale trade in the course of an interview with a Daily Chronicle representative on Saturday said he felt certain that an increase in prices would follow from the amalgamation. "You can take it from me," he went on, "there will be no more bonuses. Smokers and the trade generally have done well out of the 'war.' The new order of things will, I fear, be bad for the wholesale dealer, bad for the retailer, but worst of all for the smoker. It is a curious thing," continued our informant, "that the Imperial Company was formed ostensibly in the interests of British smokers, to combat the threatened inroads of the American trust. Now that the Americans are retiring, the Imperial becomes nothing less than a gigantic trust itself, with the whole of the home market at its mercy."

"Are prices likely to be advanced very much?"

"That I can not say until the Imperial Company shows its hand. In the past the company has been 'squeezed.' Now its turn has come, and I shall be much surprised if it does not in its turn do the 'squeezing'—slowly, perhaps, but nevertheless surely."

Several retail traders were also seen on the subject. Without exception they took a very pessimistic view of the situation.

"The intentions of the Imperial Company," said one, "are already becoming manifest. For some time past they have been gradually establishing retail shops in London and the provinces, not under their own name, of course, but nevertheless theirs. This, no doubt, has been in anticipation of the home trade passing entirely into their hands. Now the number of these shops is sure to be extended. Without them the competition is keen enough, and a further increase will absolutely ruin many a struggling shopkeeper."

Our Bristol correspondent says it is locally believed that the list of directors on the new company is incomplete, and that one or more names will be added. It is stated that under the agreement the company is British registered, and not American registered. The Imperial Company will continue their bonus arrangements, but what will become of the £200,000 promised by Ogden's is uncertain.

The British "combine" was formed in February last, and was originally constituted of thirteen English and Scottish firms, including Messrs. W. D. & W. O. Wills, of Bristol; Messrs. Lambert & Butler, of London; Messrs. John Player & Sons, of Nottingham; Messrs. Hignett Brothers, of Liverpool, and Messrs. Stephen Mitchell & Son, of Glasgow. Two or three other firms have since entered the combination. The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordinary and deferred ordinary shares of £1 each, and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock. The purchase money amounted to just under £12,000,000 sterling (£11,957,022), of which £10,500,000 sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000 sterling (£6,992,221), the next largest being Messrs. Lambert & Butler, with £754,305.

[The Standard, London, Monday, September 29, 1902, p. 3.]

THE TOBACCO COMBINATION—AN AGREEMENT ARRIVED AT.

It is authoritatively stated that the business of Ogden's (Limited) has been transferred to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogden's (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation, under the name of the British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the five-and-a-half per cent preference shares of that company. Mr. J. R. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial Board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. C. Player, C. C. Dula, Hugo Vaughan, R. Cunliffe, Owen Percival, S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. This transfer of Ogden's English business will take effect on the 30th instant, and from that day it will be in the hands of the Imperial Company.

The British combine was formed in February last, and was originally constituted of thirteen English and Scotch firms, including Messrs. W. D. and H. O. Wills, of Bristol; Messrs. Lambert & Butler, of London; Messrs. John Player & Sons, of Nottingham; Messrs. Hignett Brothers, of Liverpool; and Messrs. Stephen Mitchell & Son, of Glasgow. Two or three other firms have since entered the combination. The share capital of the company is fifteen millions sterling, divided into an equal number of preference, preferred ordinary, and deferred

ordinary shares of £1 each; and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first-mortgage debenture stock. The purchase money amounted to just under twelve millions sterling (£11,957,022), of which ten and one-half millions sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares.

A Bristol correspondent has had an interview with a gentleman intimately associated with the Imperial Company. While reticent as to details, he was able to throw a good deal of light on the nature of the terms by which Ogden's business has been acquired. Asked if it was true that the Imperial Company was paying a substantial sum for the good will of Ogden's, he replied that it was difficult to see what good will there was to be purchased. Of course, there were assets, and these would be paid for. The new British-American Company, he added, was to be a British registered company and not an American one.

As to the question of the position of the British colonies—whether they were included in the British interest retained by the Imperial Company or whether they were included in the foreign field to be worked by the new amalgamation—he remarked that it might be assumed that the colonies would come under the latter category, and the same remark applied to Cuba. Broadly speaking, the position was this: The United Kingdom will be in the hands of the Imperial Company, the United States will be left in the undisputed possession of the American Company, and the rest of the world, for the purpose of the amalgamation, will be treated as foreign. As regards the question of bonus, the gentleman stated that the Imperial Company would continue to pay their bonus as provided by their agreement, but he did not know what would be the position with regard to the £200,000 promised by Ogden's. It would certainly not be paid by the Imperial Company.

[The Manchester Guardian, Manchester, England, Monday, September 29, 1902, p. 4.]

END OF THE TOBACCO WAR—AMALGAMATION OF BRITISH AND AMERICAN INTERESTS.

It is announced officially that the business of Ogden's (Limited) has been transferred to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogden's (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of the British-American Tobacco Company (Limited).

The result is that the Imperial Company will, as between the hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board. The first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, R. Cunliffe Owen, P. S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. This transfer of Ogden's English business will take effect to-morrow, and as from that day it will be in the hands of the Imperial Company. It is believed (says the Central News) that this is the first attempt to unite any great international combination, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

The following statement has been made by a gentleman who occupies a prominent position in the tobacco trade: "The announcement which has been made concerning the termination of the tobacco war has been anticipated for some days, and so far as the arrangement has been disclosed, the directors of the Imperial have effectually secured the control of the home trade as well as a proportion—which can not yet be ascertained—of the trade in all other parts of the world excepting the United States, where it is clear that the American Company is not to be disturbed. It is not to be expected that the Imperial will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies. Seeing that the transfer will take effect so soon there is, however, no time for discussion on this point. The main effect is that British trade has been secured for British manufacturers, and for the first time Englishmen and Americans join together in developing trade foreign to both countries, while leaving each other in places in their own lands."

[The Glasgow Herald, Monday, September 29, 1902, p. 6.]

TOBACCO WAR ENDED—AMALGAMATION OF THE COMBINES—SIGNING OF THE AGREEMENT.

The Press Association is authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogden Company's good will by an issue of ordinary shares. This has been accompanied by an agreement to amalgamate the export business of the competing parties, and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday.

The Press Association adds:

The announcement of the termination of the "tobacco war" has been anticipated for some days. So far as the arrangement has been disclosed, the directors of the Imperial Company have effectually secured the control of the home trade as well as some proportion of the trade in all other parts of the world, excepting the United States of America, where the American company will not be disturbed. It is unlikely that the Imperial Company will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies, and seeing that the transfer will take effect on Wednesday next, there is no time for discussion of the point. The main effect of the agreement is, it is stated, that the British trade has been secured for the British manufacturers, and for the first time Englishmen and Americans have joined together in developing a trade foreign to both countries, while leaving each other at peace in their own lands.

The Imperial Tobacco Company was formed last February of thirteen English and Scotch firms, including Messrs. Wills, of Bristol; Lambert & Butler, of London; Players, of Nottingham; Hignett Brothers,

of Liverpool; and Mitchells, of Glasgow. Two or three more firms have since entered the combine. The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordinary, and deferred ordinary shares of £1 each, and the issue to the public consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock. The purchase money amounted to nearly £12,000,000 sterling, of which £10,500,000 was taken by the vendor firms in shares, and debentures principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000, the next largest being Lambert & Butler with £750,000.

A gentleman intimately associated with the Imperial Company, interviewed by a Bristol correspondent, said that the new company was to be a British registered company, and not an American one. The Imperial Company would continue to pay their bonus, but he did not know what would be their position regarding the £200,000 promised by Ogden's. It would certainly not be paid by the Imperial Company. The United Kingdom would be in the hands of the Imperial Company. The United States would be left in the undisputed possession of the American company; and the rest of the world for the purposes of the amalgamation would be treated as foreign.

[The Liverpool Mercury, Monday, September 29, 1902, p. 6.]

THE TOBACCO WAR—END OF THE STRUGGLE—ANGLO-AMERICAN AGREEMENT—LETTER FROM MESSRS. OGDEN.

The Press Association is authoritatively informed that agreements were signed on Saturday in London, transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Company, who are to pay for the Ogden Company's good will by an issue of ordinary shares.

This has been accomplished by an agreement to amalgamate the export business of the hitherto competing parties, and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday.

The Press Association adds that the announcement which has been made concerning the termination of the tobacco war has been anticipated for some days. A gentleman who is a prominent figure in the trade says so far as the arrangement has been disclosed the directors of the Imperial Tobacco Company have effectually secured the control of the home trade, as well as some proportion, which can not yet be ascertained, of the trade in all other parts of the world excepting the United States, where, it is clear, the American company is not to be disturbed.

It is not to be expected, we are informed, that the Imperial Tobacco Company will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies, and, seeing that the transfer will take effect on Wednesday next, there is no time for discussion of the point.

The main effect of the agreement is, it is stated, that the British trade has been secured for the British manufacturers, and for the first time Englishmen and Americans have joined together in developing a trade foreign to both countries, while leaving each other at peace in their own lands.

Appended is a copy of a letter forwarded by Messrs. Ogdens (Limited), to their retail customers, by Saturday's post:

BOUNDARY-LANE, LIVERPOOL,
September 27, 1902.

DEAR SIR OR MADAM: We beg to inform you that we have sold our business (so far as the United Kingdom is concerned) as from the 30th instant, to the Imperial Tobacco Company (of Great Britain and Ireland), (Limited). Any unexecuted orders must therefore be treated as canceled.

In thanking you for your support in the past, we desire to express the hope that the same pleasant business relations will be continued with the Imperial Company as have existed with us.

Your future orders should be addressed to the Imperial Tobacco Company (Limited), Boundary-lane, Liverpool.

Yours, faithfully,

OGDENS (LIMITED).

THE IMPERIAL COMPANY.

The Imperial Tobacco Company was formed last February of thirteen English and Scotch firms, including Messrs. Wills (Bristol), Lambert and Butler (London), Players (Nottingham), Hignett Bros. (Liverpool), and Mitchells (Glasgow). Two or three more firms have since entered the combine.

The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordinary, and deferred ordinary shares of £1 each, and the issue to the public consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock.

The purchase money amounted to nearly £12,000,000 sterling, of which £10,500,000 was taken by the vendor firm in shares and debentures, principally preferred, ordinary, and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000, the next largest being Lambert and Butler with £750,000.

[The London Times, October 2, 1902.]

THE TOBACCO TRADE.

The British-American Tobacco Company (Limited) was registered on Monday last with a capital of £6,000,000, divided into 150,000 preference shares and 4,500,000 ordinary shares of £1 each. The objects of the company are to adopt an agreement proposed to be made between the Imperial Tobacco Company (of Great Britain and Ireland, Limited) of the first part, Ogden's (Limited) of the second part, the American Tobacco Company of the third part, the Continental Tobacco Company of the fourth part, the American Cigar Company of the fifth part, the Consolidated Tobacco Company of the sixth part, and Messrs. Williamson, Whitehead, Fuller, and James Inskip, trustees on behalf of the British-American Tobacco Company (Limited), of the seventh part. The further objects of the company are to carry on the business of growers, manufacturers, and exporters of tobacco and its products in any part of the world. The first 18 directors are to hold office until 1904. The head office is to be in London, but the solicitors registering the company are Messrs. Grace, Smith, and Hood, Liverpool. The registration duty paid on the formation of the company is £15,050. The company does not now offer any shares to the public.

[St. James's Gazette, London, Monday, September 29, 1902, p. 11.]
THE END OF THE TOBACCO WAR—AGREEMENT AND AFTER—FURTHER DEVELOPMENTS ANTICIPATED—SPECIAL INFORMATION.

Notwithstanding that the agreement between the Imperial Tobacco Company and the American trust had been anticipated for a week or more, the official announcement coming so soon after the first reports has taken many in the trade by surprise. There is a general disposition to give the British amalgamation every credit for having forced the Americans to give up the idea of being able to capture the British trade, but the agreement, so far as it has leaked out, tends to confirm the opinion that the Imperial company were forced to meet the American trust some considerable distance toward a compromise with a view to ending the struggle between them. The "war," although it has taught the Americans that there is still life in the British bulldog, has benefited no one, except perhaps the growers of the tobacco leaf.

When Mr. Duke's trust planted itself in England with the unconcealed object of becoming master of the situation, the demand for the raw material was greatly increased. A new and very large customer of the growers had come upon the scene. Just at that time, too, there was an unusual shortage of the raw material, and the extra demand sent up the prices 10, 20, and in some cases 50 per cent above the normal. Although the supply has slightly increased in the interval, there has been a shortage ever since, with the result that the inflated value of the raw material has been kept up. In view of the cutting down system that was resorted to by the Americans, it was impossible for the British manufacturers to raise their prices in order to recoup themselves for the extra outlay. The wholesale traders and the retailers were supposed to benefit by the "war," and they did to a certain extent, but it was infinitesimal, for although bonuses of £200,000 look very large in the aggregate they get to very small proportions before they reach the individual dealer. The only class that can be said to have really benefited was the farmers who grow the leaf.

Some of the British manufacturers suffered more than others. Those who amalgamated and became the Imperial Company were able to counteract very largely the decrease in profits by the amount they saved in reducing their individual expenditure. The manufacturers, however, who could not accept the principle of amalgamation and remained outside the British trust were not in such a favorable position, and at the outset the enhanced value of the raw material absorbed a fairly large percentage of the profits they were formerly able to count upon. As the "war" proceeded, however, much of the loss is said to have been made up in other directions. According to one of the independent manufacturers, a reaction on the part of the retailers set in against both the trusts, and the manufacturer who had stood aloof got increased trade.

The situation created by the agreement between the Imperial Company and the Americans is not quite clear. A representative of the "St. James's Gazette" who made exhaustive inquiries in all sections of the trade to-day found that there was a great deal of uncertainty as to the future. Everyone outside the firms that constitute the British trust is waiting for the full text of the agreement. The details published are regarded as too meager to form any opinion as to what the Imperial Company mean to do. One of the large independent manufacturers said he was not disturbing himself very much about the future of the British amalgamation. He was concerning himself far more about the probable effect the agreement would have on the price of the raw material. He thought that they might reasonably expect a reduction in the price of the leaf in case the majority of them refused to bind themselves to either trust, claiming only fair profits and desiring no bonuses. During the "war" they were able to secure a better living than they had formerly done, but they were not by any means satisfied with the position of affairs, which gave them no security for the future. Now that the Americans have capitulated, many of them fear that the Imperial Company will become autocratic. A meeting will probably be held shortly to consider the newly created situation. One of the leaders of the retail trade said they were going to fight for fair profits, and they were also, he said, going to protest against the Imperial Company embarking in the retail business. The British amalgamation, he said, already control two large London retail firms, and they were about to open more shops. This action, he contended, was in direct opposition to the interests of the retail trade generally, and if it were persisted in the retailers would appeal to the public to support them in fighting the company. It therefore does not look as if it will be all smooth sailing in the tobacco trade in the near future.

WHAT THE PAPERS SAY.

The opposing trusts have concluded an alliance which lays the smoking world at their feet—the smoking world, at all events, of Great Britain and the United States. What is more, they have inserted a clause in their treaty pledging themselves to work hand in hand for the conquest of the whole earth.—Chronicle.

The American wolf pounced upon the fold, expecting to find sheep. It found a bulldog instead. If we are compelled to smoke trust tobacco, we prefer that the trust should be of British origin, and from that point of view, and as a salutary lesson to the commercial filibusters of the United States, we are gratified at the triumph of the Imperial Company.—Daily News.

Mr. G. Fraenkel, the president of the Wholesale Tobacconists' Association, was disinclined to go very deeply into the subject. "We shall be friendly," he said, "with every manufacturer, but we shall keep our eyes open for any developments." Another wholesale trader whom our representatives saw said he feared that the victory gained by the Imperial Company would have far-reaching results. There was a rumor, he said, that the British trust intended to deal direct with the retailer. Such a movement, he thought, was doomed to failure because the small retailers—and they formed the majority of the trade—could not afford to buy direct from the manufacturer. A retailer as a rule, he pointed out, only wants small quantities of many kinds. Were he to get them direct from each manufacturer the postage would run away with all his profits. What he does at present, said the wholesaler—and what in his opinion he would continue to do—is to send his orders to the wholesale traders who kept all brands in stock and could make up a parcel which would cost the retailer no more in postage than would one from a manufacturer. Some of the independent manufacturers have made overtures to the wholesale dealers with the object of coming to an arrangement which will be of mutual benefit to both sides.

The retail dealers have also some apprehension regarding the future.—The St. James Gazette.

It is permissible to point out that the American Company's eager desire for peace is not the result of any particular affection for the consumers of tobacco in this country, but is solely due to the fact that they have been worsted at the tactical game it pleased them to commence.—Standard.

We shall be agreeably surprised if the British trust, released as it now is from its struggle with its American rival, does not enter at once into more or less open hostilities against the firms which refused to enter it.—Leader.

"It is because we are free traders that these trusts of the American type," to quote the words used by Professor Graham at the British Association, "can have only a small range of culture in England."—Daily Graphic.

[Journal of Commerce, Liverpool, Monday, September 29, 1902.]

END OF THE TOBACCO WAR—AMALGAMATION OF THE TRUSTS.

It is officially stated that the business at Ogdens (Limited) has been transferred to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogdens (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation, under the name of British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in the possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world.

The Imperial Company will pay for the good will of Ogdens's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company.

It is understood that Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogdens will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart; Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogdens, R. H. Walters, Thomas Ogdens, F. R. Walters, Percy Ogdens, and Harold Roberts.

The transfer of Ogdens's English business will take effect on the 30th inst., and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

[Canadian Cigar and Tobacco Journal, Toronto, vol. 9, No. 4, April, 1903, p. 13.]

THE TOBACCO INVESTIGATION.

The report of Judge McTavish on the investigation of the exclusive contract system in the tobacco trade has been laid before Parliament. It rings a rather dull and uninteresting curtain on a little drama that occupied a prominent place on the trade stage a short while ago. The document, which is quite lengthy and exhaustive, states in substance—

(1) That the contract system complained of by the petitioners does, in fact, exist, and is in general use in the cigarette and tobacco trade in Canada.

(2) That the provisions of the contracts are not illegal, either under the common law or under any statutory law heretofore enacted by the Parliament of Canada.

(3) That the manufacturers of cigarettes and of Canadian tobacco other than the American and Empire Tobacco companies are at a disadvantage in the distribution of their goods and in the prosecution of their business generally by reason of such contract system.

While this information may be of interest to the Members of the House, we hardly think it will be received as a startling announcement by the trade. The consignment and contract system existing in the cigarette and Canadian tobacco trade is thoroughly familiar to even the smallest dealer. The trade condition that exists by reason of this modern method of handling trade does not, in the judge's report, bring to light anything new to the trade. The report merely states those facts with which every reader of the Cigar and Tobacco Journal is thoroughly conversant. This must not be construed as a criticism of the report, for it is difficult to conceive of what the esteemed commissioner could do other than to ascertain the facts and submit them to Parliament. Yet the report will naturally be very disappointing to those competing firms who devoted considerable time and money both to securing the investigating commission and in bringing evidence before it. That their efforts have not been fraught with success is no reflection upon their judgment in attempting to alter a trade situation which, it must fairly be admitted, is very detrimental to the complaining manufacturers.

His Lordship concludes his report with the statement that "the extent to which legislative control over the freedom of contract should be exercised, and how far the rules of trade can be interfered with by statutory enactments without injury to the public interest, are questions of policy for the consideration of Parliament."

Whether Parliament will consider this question of policy is as yet uncertain. Freedom in the making of contracts between individuals, or corporations and individuals, is very necessary in every-day business life; and while in specific instances they may work to the detriment of competing firms, who are sidetracked by such contracts, it is extremely difficult to conceive of any law that could be framed to give them redress.

The evidence of the commission showed that similar contracts exist in a great many branches of trade, and are apparently an everyday incident of modern commerce. The trend of nearly every industry, as well as our own, is toward absorption, concentration, and control, and it is evident that it is with the condition we must deal, rather than hope for a change in the prevailing commercial system. Modern enterprise in all the varied significance of that term must, it seems, be the solution for each individual firm confronted with the problem.

[Commercial Relations of the United States with Foreign Countries During the Year 1902, Bureau of Foreign Commerce, Department of State, volume 1, p. 977.]

LEAF TOBACCO.

From January 1 to August 15, 1899, there existed a duty of 35 per cent on leaf tobacco, and from the latter date the Japanese Government has monopolized the import.

While the 35 per cent duty was in force, and in anticipation of the exclusive importation by the Japanese Government, there was imported by merchants and manufacturers an enormous quantity of leaf tobacco, valued at \$2,533,004, against \$2,254,774 in 1898, and \$159,785 in 1897. The import of 1899 seems to have glutted the market during the two

years following and to have destroyed the Government's chances to do much business in the community, the value of the import having decreased to \$226,237 during 1900, and to \$15,075 in 1901. The establishment of the Government monopoly has had the effect to encourage the raising of tobacco in this country upon a much larger scale than formerly, official estimates increasing the acreage of 1902 to 61,353 acres, expected to yield 73,177,012 pounds.

As to quantity, the Japanese are not such excessive users of tobacco individually as are found in many other countries; they make more frequent use of it, but in lesser quantities, the small Japanese pipe, carried at the belt and holding less than a thimbleful, being emptied many times a day. Tobacco is largely used by the natives at seaports and in the larger cities in the form of cigarettes. Many are consumed by the Jirishia men, and when one is called he places the cigarette behind his ear ready for another draw at the end of his run.

The American Tobacco Company has recently invaded this country with large capital and up-to-date methods, and is continuing to absorb the trade.

There were shipped from this port last year cigarettes valued at \$681,490, against a total export of \$838,293, and nearly all the balance was sent from Osaka, in this consular district. Some 70 per cent of the whole was shipped to China.

During 1900 the export of cigarettes to China was more than doubled, and during 1901 that of 1900 was more than trebled.

The duty on manufactured tobacco remains at 150 per cent.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for thirty minutes.

Mr. DALE. Mr. Chairman, in the time allotted me I wish to call your attention to a subject of intense interest to the district I have the honor to represent, and a subject so broad in its varied interests it should receive the attention of this House. I refer to the mining industries of the United States. In the very outset I desire to state that I shall use H. R. 14611 as the basis of my remarks. This bill provides for a bureau of geology and mining, and was reported February 13, 1906, from the Committee on Mines and Mining with a unanimous recommendation that the bill pass. In the early days of this session the gentleman from Colorado [Mr. Brooks] introduced a bill of like import, which was referred to the Committee on Mines and Mining, and was thoroughly discussed by that committee and a number of amendments suggested. The gentleman from Colorado accepted the amendments, and, incorporating them in a new bill, reintroduced the same. So that, while the gentleman from Colorado should have full credit as the author of the bill, still as it now stands it is essentially a committee bill.

The distinguished gentleman from Wisconsin, the chairman of the committee, has prepared and filed a very able and excellent report (No. 1184), in which he shows in strong and concise language the growth and importance of the mining industry. I understand the enactment of the measure into a law will entail no extra expense upon the National Treasury, and that the proposed new Bureau is attached to the Department of Commerce and Labor because the organic act creating that Department gave it jurisdiction over the mining industry. The bill is now upon the Calendar of the Committee of the Whole House on the state of the Union, and I frankly confess I would not now be trespassing upon the time of the House if I were not fearful that in these closing days of the session the bill may not be reached. If I needed a further excuse for addressing myself to this subject, I find it in the fact that the single county of Lackawanna, Pa., which comprises my district, produced in the calendar year 1904—the last year for which official statistics are obtainable—the enormous output of 17,309,723 tons of coal. The average price per ton, as computed by Mr. William W. Ruley, chief of the bureau of anthracite coal statistics, Philadelphia, Pa., is \$2.35 at the mine; so the value of this one product of this single Congressional district for the year 1904 will be 17,309,723 tons multiplied by \$2.35, or \$40,442,849.

Even this magnificent showing is exceeded by the adjoining county of Luzerne, so ably represented in this body by General PALMER. His district, composed of the single county of Luzerne, produced in 1904 over 24,000,000 tons, with a valuation at the mine exceeding \$57,000,000. The output of coal for 1904 of these two counties, comprising the Tenth and the Eleventh Congressional districts of Pennsylvania, was over 41,000,000 tons, with a valuation at the mine of \$97,920,979, and I believe the output for 1905, when officially ascertained, will show a value of over \$100,000,000. So far as relates to the value of their coal production, these two counties stand at the head of the list—they are the banner counties of the United States. But, Mr. Chairman, I fully realize if this subject were simply of local interest it would be difficult to justify the asking of Congress to pass the proposed legislation. It is a fact, however, that in no country upon the face of the earth has there been so large and widespread deposits of coal as obtain in the United States. There are workable deposits of coal in twenty-seven States and in three Territories, and in all these States and Territories these deposits are being developed to a greater or less extent. The output from these widespread

and workable deposits for the year 1904 was 352,310,427 short tons, with a spot value of \$444,816,288—a remarkable exhibit, and one that confirms the United States in its position as the head of the coal-producing countries of the world.

In that year our production exceeded that of Great Britain by over 35 per cent, and lacked less than 95,000,000 tons of equaling the combined production of Great Britain and Germany, these two countries ranking second and third, respectively, in the production of coal. In addition to this, Mr. Chairman, coal is not the only mineral product of the United States. While my interests and studies have made me more conversant with coal than with other minerals, and while coal ranks first in value of our mineral and metal productions, it is only fair to state that iron ranks a close second, and its deposits are perhaps as widespread as those of coal. In the year 1904 twenty States produced 16,497,033 long tons of pig iron, with a total valuation of \$233,025,000, and the production of iron ores in the United States exceeded that of any other country in the world. The production of gold in the United States in 1904 amounted to 3,910,729 ounces, with a valuation of \$80,835,648. The production of silver was 55,999,864 ounces, with a commercial value of \$32,035,378, and the production of copper amounted to 812,537,367 pounds, with a valuation of \$105,629,845. The production of lead was 307,000 tons, with a valuation of \$26,402,000, and of zinc there was produced 186,702 tons, valued at \$18,670,200. For purposes of reference and for convenience I have grouped the mineral and metal products in a table, which, if there be no objection, I will not read, but will insert in the RECORD.

Table showing the output of the mines in the United States for the year 1904, and the valuation thereof.

| | Production. | Valuation. |
|-------------------------|-------------|---------------|
| Coal.....short tons.. | 352,310,427 | \$444,816,288 |
| Iron.....long tons.. | 16,497,033 | 233,025,288 |
| Gold.....ounces.. | 3,910,729 | 80,835,648 |
| Silver.....do..... | 55,999,864 | 32,035,378 |
| Copper.....pounds.. | 812,537,367 | 105,629,845 |
| Lead.....tons..... | 307,000 | 26,402,000 |
| Zinc.....do..... | 186,702 | 18,670,200 |
| All other minerals..... | | 347,631,227 |
| Total..... | | 1,289,045,586 |

* Commercial value.

This table shows the total value of the output of our mines in 1904 to be in excess of one and a quarter billion dollars. Surely from the standpoint of dollars and cents the mining industry of the United States is important enough to call for the care and consideration of a separate bureau. But, sir, there is another phase of the subject to which I desire to call your attention. While it is true that during the past fifteen years the coal industry of the United States has more than doubled its output and its growth has been by leaps and bounds, it is also true that this industry is still in its infancy. Compared with Europe, we have only scratched the surface of our almost inexhaustible coal fields. While Europe, and especially Great Britain, has nearly or quite reached its maximum output, our vast coal fields are comparatively undeveloped. And in this connection I wish to read what Consul-General Mason, of Paris, has to say concerning the future of American coal, as found in Consular and Trade Report No. 2504, page 3. I quote:

It is in respect to quantity and quality of coal supply that the advantage of North America over European countries is decisive and overwhelming. Whatever the facts concerning ores may be, the known coal measures of the United States render their fuel supply secure, abundant, and of excellent quality for centuries to come. There are hundreds of thousands of acres of gas and coking coals of high quality in the Appalachian regions—to say nothing of other fields—which have as yet been hardly scratched by the pick and drill of the miner. New coal deposits of greater or less extent are being discovered from year to year. With what is now known the present enormous annual output of 280,000,000 tons of bituminous coal can be maintained for hundreds of years without exhausting the available supply. In Europe, on the contrary, the years of adequate coal provision are definitely numbered. In England the experts estimate the duration of the workable coal measures to be from sixty to one hundred years. Germany has a somewhat longer lease of industrial life dependent on the coal supply, but the subject is so acute that a heavy contract for the delivery of German coal to France for iron and steel works is understood to have been canceled recently at heavy loss to the sellers, because, as it is definitely understood, the Imperial Government objected to the depletion of the national coal supply for the benefit of the neighboring countries. France has native coal for a generation or more, but the mines are deepening, the cost of production is gradually increasing, and economists are looking with growing apprehension at the future. Twenty-five or, at most, thirty years hence, the question of an adequate coal supply will be a serious problem for France.

Our vast coal fields "have as yet been hardly scratched by the pick and drill of the miner." As an American I am glad we have this great storage of heat and power, for I have marked the interesting fact that the development of our min-

ing industry has been coincident with our growth toward world industrial supremacy. In my judgment there are those in this House to-day who will see the time when great ocean freighters, built expressly for that purpose, will leave the harbors of our coasts bound for European ports and loaded exclusively with coal; and as Consul-General Mason puts it:

It will be strange, indeed, if American foresight shall fail to recognize the opportunity which time shall ripen and the immutable laws of demand and supply will offer to American enterprise.

Mr. Chairman, to encourage that enterprise, to foster and aid its growth, to seek and publish information relating thereto, and to help in every legitimate way to build up an export trade would be the proper function of the proposed Bureau of Mines, since in the end it would lead to the employment of other thousands of toilers, and would increase the prosperity and material wealth of our country. But, Mr. Chairman, there is still another and a higher reason why the bill to which I refer, or a bill drawn on similar lines, should become a law. In my opinion, the establishment of a Bureau of Mines will make for the safety of life and limb of the workers in our mines. The bill provides *inter alia* that the Bureau—

Shall gather such data and information with regard to the operation of mines, labor, and wage conditions, and mining machinery and appliances as shall tend to the improvement, economy, and efficiency of mining methods and the safety of mining employees.

With all the safeguards possible, the work of mining is extra hazardous. I doubt if there be a more perilous occupation. When a miner descends a shaft 200, 500, 1,000, or 2,000 feet below the surface to engage in his daily toil there is no hour of the day in which he is exempt from danger. That danger may come in many shapes and in many forms—a sudden fall of unpropped roof, a defective powder charge with its consequent delayed or premature blast, of the explosion of gas followed by the fatal fire-damp. It is, alas, true that these accidents sometimes occur through the carelessness of the miner. Constant and continual familiarity with danger apparently causes him to forget ordinary caution, and that carelessness, that forgetfulness occasionally results in fatal accidents.

Recently in discussing the matter with a colleague on the Committee on Mines, I made the assertion that there were more killed and injured from accidents in our mines every single year than the entire loss of the United States Army and Navy in killed and wounded during our war with Spain. In attempting to verify that statement, I wrote to the Secretary of Commerce and Labor requesting information as to the number of killed and injured in our mines during 1904. His reply shows that no such statistics can be obtained at present, and the absence of this data presents another argument in favor of the establishment of a Bureau of Mines. I will read Secretary Metcalf's letter:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 14, 1906.

HON. THOMAS H. DALE,
House of Representatives, Washington, D. C.

SIR: I have received your letter of the 9th instant requesting information as to the number killed and the number injured in mines in the United States during the calendar year 1904, classified according to the kind of mineral produced, but I regret to say that there are no statistics compiled which cover the data you wish.

The Bureau of the Census makes an annual collection of mortality statistics, but does not deal with statistics of persons injured, and the mortality statistics are restricted by law to those of States and cities registering deaths, at the time of occurrence, under local compulsory laws.

There are but eleven States, including the District of Columbia, represented in the statistics now collected, and in none of these is mining so prominent an industry as in others; moreover, while the certificates of deaths filed by the coroners with the registration officials usually state the manner of death, such as "explosion," "burns," "fractures," etc., they do not usually specify that the death was due to an accident occurring in connection with mining, and that important distinction can not be accurately made.

Very respectfully,

V. H. METCALF, Secretary.

After receiving this letter, I examined the statistics of my own State. I found that in the State of Pennsylvania there were in the year 1904 1,131 killed and 1,964 injured, or a total of 3,095 killed and injured by accidents incident to the mining of coal. I doubt if any State has a better mine-inspection law than Pennsylvania has placed upon her statute books, and I believe that Iowa alone has a law that comes anywhere near equalling that of Pennsylvania in its provisions for the safety of the miner. Since the production of coal in Pennsylvania was about 49 per cent of the production in the United States, I think you will agree with me that I am safe in assuming that the total casualties in the United States would equal double the casualties in Pennsylvania, and this would give over 6,000 killed and injured in the United States. If to this total were added the casualties in the mining of the other minerals and metals, the sickening figures, the sad result would be largely increased. Now, it has been officially ascertained that in the

war with Spain our loss was 698 officers and privates killed, and the total number killed and wounded was 3,457. We justly shrink from the horrors of war and earnestly hope for the dawn of that day, foretold and so earnestly anticipated by the gentleman from Missouri, Mr. BARTHOLOMEW, when there shall be no war.

Yet, sir, here is an industry of peace—an industry which gives to our nation the iron to build its machinery, and the coal which furnishes its power—an industry, however, in which every year there are more killed and maimed than our entire loss in our last war, and still we hesitate to pass a measure which the best authorities believe would tend to lessen the appalling loss of life in carrying on that industry. Mr. Chairman, notwithstanding the fact I was once a coal operator, I do not claim that all operators are saints. I do assert, however, that these mine accidents are not always due to the grasping cupidity of the operator. I want also to correct an impression that seems to be very widely entertained, that if one can only be a coal operator he is sure to accumulate great wealth. It is true that where the conditions are favorable—where the veins of coal are of sufficient thickness and purity, large returns of profit come quickly, but these conditions are exceptional. Thin veins, faults, and impure coal are more apt to be the rule, and where these conditions prevail it is generally a race between the operator and the sheriff with a writ of foreclosure as to who shall own the plant, with the sheriff winning in a large number of cases.

As a rule the operators and superintendents having immediate charge of the mining operation come up from the ranks. I have in mind such an operator. He began as a boy carrying water to the workmen in the mines. Afterwards a doorkeeper, opening and shutting the doors for the ingress and egress of the cars—these doors being necessary for the proper control of the air in the mines. Then he became a driver boy, then a laborer, then a miner, then a foreman, then a superintendent, and finally an operator and part owner of a mine. He was a hard student, spending almost every evening over his books, and while his success may in part be attributable to his studious habits, still he is typical, inasmuch as the superintendents and many of the operators come from the ranks and have a practical knowledge of mining. These men are humane; but, sir, because of the necessity of close application to their work, in order to make both ends meet, it is impossible for them always to know all that is transpiring in the mining world. There may be inventions and appliances that make for the safety of the miner which they would be glad to adopt if the knowledge of these appliances were only brought to their notice through the agency of a bureau of mines.

Mr. Chairman, I shall not attempt to picture the harrowing scenes following a sudden and terrible explosion of gas in the mines. It is appalling, and one who has witnessed it can never lose its impression, can never forget it. In an argument before the supreme court of Pennsylvania John R. Jones, esq., of Scranton, used this language:

Travel with us through the coal fields and you will observe the effects of the mine on every hand, in the mangled cripple who goes about with a crutch and cane; in the asthmatic cough of the miner whose lungs are filled with the smoke of the blast; in the blue marks of the powder-burnt face, and in the pathetic figure of him, the victim of the explosion, who with sightless eyes and palsied limbs spends his days in hopeless gloom.

In conclusion, Mr. Chairman, I am not wedded to any particular bill, but I do advocate the passage of the bill to which I have referred or a substitute drawn on similar lines. I plead, not in a spirit of demagoguery—which I despise and detest—but in the spirit of humanity, because it is my best judgment that the establishment of a Bureau of Mines will be a step toward reducing the dangers of what, in any event, must always remain the perilous occupation of the toiler in our mines. [Loud applause.]

Mr. SAMUEL. Mr. Chairman, the verdict of history will be that this Congress has produced some very wise legislation, such as will redound to the credit of those who have been instrumental in placing these laws on the statute books of the nation. But there are still some other questions that ought to have attention before final adjournment. One of these is the proper restriction of foreign immigration, and another is a law that shall make eight hours a day's labor in the United States. These are both live subjects for legislation by the American Congress, having to do with that great body of men who are the bone and sinew of this great country of ours. I shall expect to speak to you on both these subjects later on in this session. I now address myself to a question of reform in postal legislation.

To this Congress of thinking men, and more especially to the honorable members of the Committee on the Post-Office and Post-

Roads, I might not expect to contribute any new ideas in reference to postal reforms and improvement. But earlier in this session it was my privilege to introduce a bill (H. R. 11499) entitled "To provide for the merging of the fourth class of domestic postage into that of the third class," and I feel that the title in itself ought to gain for the bill a hearing in the interests of the people.

It was not until several weeks after introducing the bill in question that it was my good fortune to get time to read the last annual reports of the honorable Postmaster-General and of the honorable Third Assistant, and then I discovered that the very matter covered by my bill for the merging of the third and fourth classes of mail had been warmly urged by both Postmaster-General Cortelyou and his Third Assistant, General Madden. I am glad to be found in such good company. On page 73 of his report the Postmaster-General says:

It is not deemed wise, at least, at this time, to ask authority of Congress for the establishment of a separate parcel post in the domestic service, but an earnest recommendation is made that third and fourth class mail matter be merged at the rate of 1 cent for 2 ounces. This could be done without the necessity of rearranging the service. All merchandise parcels not exceeding 4 pounds in weight would continue to be carried in ordinary pouches and sacks at one-half the rate now charged, and afford a great opportunity for distributing light packages to a multitude of places not reached by express companies and at a charge sufficient to reimburse the Government for actual cost of carriage.

At page 23 of the Third Assistant Postmaster-General's report I find the following:

The matter of classifying the mails should be so simple that any postmaster, or any other person, ought to be able to determine the rate accurately and beyond doubt. There should be no necessity for a postmaster, when matter is presented for mailing, to submit the question to the Department for the consideration of experts in order to determine what rate should be charged, as is now so often necessary under our complicated classification system.

With regard to second-class matter, the complications have already been stated, and they do not, of course, apply as between matter of the third and fourth classes. But as to these two there is much difficulty of correct and satisfactory administration. It often happens that similar matter mailed at one post-office at the third-class rate is at another post-office, due to the different interpretation of the postmaster there, required to be prepaid at the fourth-class rate. This is a great annoyance to the public, and it is unjust and a great hardship to patrons of the service. It can be corrected only by a ruling of the Department. One of the postmasters is, of course, wrong in his interpretation. This is expensive to the person who is required to pay the higher rate, if it be improper, and that sort of thing brings reproach upon the service. The consolidation of the third and fourth classes, which I recommend, will correct this. Simplification is what is needed, and need badly, and it should be carried to the utmost.

Now, as to the question of parcels post, which may need a word just here: Under the present sparsely settled condition of certain portions of the United States the results of a general parcels post at this time would be that the Post-Office Department would get the long hauls and the express companies would get the short ones. I think that it may be considered as a settled proposition that parcels post will be a good thing and a desirable thing when the United States acquires a density of population to warrant it; such, for instance, as that in England at the present. When that time arrives and conditions warrant parcels post, no member of the American Congress will any more dare to oppose it than would a member of the opposition dare to offer a bill against rural free delivery, if the unfortunate event should come upon us of our friends, the enemy, ever again gaining the ascendancy.

But the merging of the third and fourth classes of mail matter is a question that can be taken up now and here; and the conditions not only warrant it, but the people have a right to demand it, and where understood do demand it.

In no phase of our system of government do we so nearly legislate for the people—the whole people—as in matters of postal reform and improvement. The Army and Navy legislation, while in the interests of the General Government, does not touch the people as a people. River and harbor legislation is, in the final analysis, in the interest of certain communities. The tariff, if you please, the rallying shibboleth of the Grand Old Party for the past forty years, is possibly the only legislative question before the American Congress which first, last, and all the time is paramount to all other questions, and one which can safely be left to the wisdom of the Republican party to correct when and where corrections are needed. Yet the tariff does not interest all the people.

Different, however, is the question of a reduction in postage, which concerns the whole people. I am convinced that the time for a reduction in letter postage from 2 cents an ounce to 1 cent has not yet arrived—that there is no such general demand for it as should bring this Congress to a consideration of that question.

The purpose of the bill I have offered is to do away altogether with the fourth-class designation of postage, and by merging the fourth class (the merchandise class) with the third class (gen-

erally speaking, the printed-matter class) to corral all matter and things now included in both these classes into one class, to be known as the "third class." A few examples will show how it will work. On a pair of men's shoes, weighing, say, 36 ounces, now rated as fourth class, the postage charge is 36 cents. If made third class the charge would be but 18 cents. On a pair of women's shoes the charge under this bill would be about 12 cents, whereas it is now double that amount. Clothing, etc.—indeed, anything of a merchandise nature weighing under 4 pounds—would, under the bill I have proposed, cost the sender just half as much as he is required to pay now.

Then, too, there is the confusion and annoyance caused by the two classes—the third and fourth—being so closely allied at some points that postal officials are at times in a quandary as to which class the article belongs. Take, for instance, an ordinary calendar. If printed on cardboard or paper it falls within the third class, with postage at the rate of 1 cent for 2 ounces. But should it be printed on leather, wood, celluloid, or kindred substance, it is rated as fourth class, with the postage rate 1 cent an ounce. In the case of printed cards or blank cards the same difference occurs. A blank book is rated as fourth class.

If the same book should be ruled and contain printed headings, it receives the third-class designation. Burnt wood (I mean work done by the pyrographic process) offers a peculiar example. Not only do different post-offices make various charges on this species of hand product, but different clerks in the same office will be found to be at sea as to how it should be rated. Thus the two classes are so confusing at some points that fairly intelligent clerks are unable to differentiate, and I have been told that one of the worst sources of annoyance to the post-office clerk is to have persons object to paying postage at the fourth-class rate on an article which had recently been received through the mails from another office at the third-class rate—just half the amount. And while it is an annoyance to the post-office official it is no less an annoyance to the citizen who does the mailing, for he is entitled to a uniform rate with that which is being charged at other offices.

Now, the only feasible plan appearing to me to avoid the inconsistency of having any individual at any office overcharged, no matter whether in a metropolitan city or at the little office at the country wayside, is to so simplify the rates as that there shall be, or at least need be, no confusion in the classes. The first class is very easily understood. It consists of simply written matter or sealed matter. Either one of these conditions makes an article first class and requires 2 cents for each ounce. In the second class—being newspapers and periodicals mailed by publishers—there is no confusion.

I therefore ask the support of this House for the merger bill I have offered (H. R. 11499). By it all kinds of mail matter other than first and second class will be covered by the one designation of "third class" at the rate of 2 ounces for 1 cent. Confusion and annoyances to both postal officials and the public will be avoided, and it will be a concession in the lowering of postage, which will mean much to the common people, whom the lamented Lincoln said: "God must have loved, for he made so many of them." [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] is recognized for fifteen minutes.

Mr. RUCKER. Mr. Chairman, a few days ago the gentleman from Michigan [Mr. TOWNSEND] entertained the House with a discussion, or more properly speaking, a recital of the more important measures enacted into law at this session. He boasted of the fact that the dominant party on this floor has the power to pass, without Democratic assistance and even with the opposition of every Democratic Member, any legislation desired. He extolled and glorified the virtues, efficiency, and patriotism of his party as reflected in the wise, beneficial, and wholesome legislation enacted.

He did not recite, however, the many most important measures which his party has failed to pass and which it has stubbornly, persistently, and willfully refused and still refuses to even consider. He should remember that while power has its glory it also has its responsibility—that the party in power is responsible to the people not only for the character of laws enacted, but likewise for partisan opposition to legislation demanded by the people.

The Republican party makes loud boasts of its friendship and devotion to the man of toil. Just before the Congressional elections our Republican friends grow vociferous in their hypocritical pretensions.

But when they have full power, time, and opportunity they refuse to act. Early in this session great labor organizations, representing and speaking for more than 3,000,000 wage-earners, respectfully, courteously, and urgently appealed to the President of the United States and to the Speaker of this House and others

in authority to give consideration to measures vitally affecting the welfare and happiness of this large number of worthy American citizens. How have you answered this appeal? You have spurned and ignored them, not because you love the horny-handed son of toil less, but because the Republican party loves the oppressors of labor, who make large campaign contributions, more.

You may with Democratic help enact an immigration bill with its best and most desirable features eliminated by your party, but you will not pass the anticonvict labor bill. You may with solid Democratic support pass a pure-food bill, but you refuse to pass the eight-hour bill demanded by labor.

You may with Democratic assistance, both in the framing and passage, enact a rate bill, but the corporations won't let you pass the anti-injunction bill.

The committees of this House are carefully formed so as to advance or prevent legislation, as the party in power wishes. For months friends of the workingman sought to induce the Committee on Labor to report the eight-hour bill, but their efforts were futile until on May 29, when it happened that only seven members of the committee—four Democrats and three Republicans—were present, and the Democrats, being in the majority, ordered the bill favorably reported. The gentleman from New Jersey [Mr. GARDNER] was authorized to make the report.

His report on the bill was filed in the House on June 26. I appealed to the Speaker to-day to recognize me for the purpose of asking unanimous consent for the consideration of this bill, and he promptly refused my request in a manner quite emphatic. I soon realized that even though I could speak with the tongue of angels and had all faith so that I might remove mountains, yet I could not possibly move a Republican Speaker of this House to consent to legislation in the interest of 3,000,000 American workingmen. Thus this just measure, ordered reported by Democratic votes, will die on the Calendar because we have not a Democratic Speaker in the chair.

In conclusion, I ask consent to include in my remarks some extracts from the able and convincing argument of Mr. Thomas Carl Spelling, of New York, attorney for the American Federation of Labor, before the Judiciary Committee of the House, April 12, 1906, in support of the bill known as the "Pearre anti-injunction bill."

Now, gentlemen, I desire to say it is your duty, and you know it without my telling you, to consider the interest of the public in this question of whether the courts shall abuse their powers or be kept within proper limits. What is the interest of the public? I tell you, gentlemen, that the people of the United States, outside of manufacturing, outside of the unions, have no interest whatever except a sentimental interest in the question whether any one man or any one corporation carries on business at any particular place in the United States or carries on business at all. If one fail and retire, there are others to take his place. Why, do you not see the result of the struggle of competition? You find a man in the front rank of the legal profession in a town. Something happens; he makes some mistake; perhaps his enemies become active; others come to the front, and he loses the lead. Perhaps he deserves to, and perhaps he does not. At any rate, sooner or later he takes a back seat and retires from the field.

Now, of what interest is that to the public? You know, gentlemen, that the public never pretends to take any interest in that, except a sentimental interest, and I say that no court of equity has any more right to interfere in the manner in which they have been interfering in these labor disputes than a court of equity would have in that case to set up as a peace officer, a guardian of the morals of the whole community, and compel the whole community to do what that court conceives to be justice, poetic justice, to that lawyer. And the same is true of merchants, and the same is true of manufacturers. But I will tell you, gentlemen, what the public has an interest in. Take all these manufacturers, taking them to represent the whole industry of the country. If these men get all the profit, they put it in a private bank account. Does that do the public any good? It may do the public some good, and we would dislike to see any good citizen, any "captain of industry," fall in business.

But what is the real interest of the people of the United States aside from these sentimental interests? If they pay out better wages to those men, the increase goes over the counters of all the shops and into the shops of the shoemakers, and to the milliners, and the barbers, and everybody, and it goes into general circulation in those communities. Not only that, but these shopkeepers and storekeepers are enabled to buy more goods. Some of that money goes to manufacturers again and elsewhere. It goes to fisheries and to miners, and it goes to farmers; because the extra money that those men get is used to buy farm products that they need to support them. That is where it benefits the public. Why, gentlemen, the steel trust last year had a net profit of \$119,000,000. I do not know what its labor gets, but it is dissatisfied, and I have no doubt that it has cause to be.

Do you not think it would have been better if half or two-thirds or three-quarters of that \$119,000,000 had been distributed in the many towns and cities where that trust has its plants, and been spread broadcast throughout the length and breadth of this country? Do you not think it would have been better, even if those men had received more than you or myself, sitting as a high priest of finance and commercialism, or than some of these Federal judges in the positions that they take, might consider to be their due; that it would have been better to have had this money distributed among the people? It would have been better for everybody. That is the interest that the public has in this matter, and I say that that interest and that contention is along the lines of justice, along the lines of public justice.

As much as we may favor the purpose of The Hague tribunal for the promotion of peace, as much as we may desire the attainment of absolute prosperity and peace between labor and capital, we all know that these

conflicts called strikes and lockouts frequently occur, and are liable to frequently occur. That is one of the conditions of society for which no remedy has ever been found, and probably none ever will be found. It is inconvenient for us who are not immediately interested or involved; but whatever inconvenience or deprivation it may inflict upon us, we have to endure it, just as we have to endure the coming of a contest between two of these gigantic monopolies. We have to submit to the extortion when the small industries throughout the country are strangled to death by the trusts, and, so far as I am concerned, I do not know any remedy for that unless we amend the Constitution.

Workingmen are not in the habit of trying to get some court to exceed its jurisdiction. They are fighting this battle between capital and labor bravely—fighting it in the open. They do not do business, and from the fact of their greater numbers they can not do business behind closed doors in little rooms about half the size of this room. They must wage their war openly and in the public eye. But they do not go filing affidavits and trying to steal a march on the enemy by some cowardly trick. I do not know of but one instance in which workingmen ever applied for a remedy against a combination made against them and a blacklist. Why the blacklist of the workingmen? They form these combinations; they use all manner of cruel and unusual weapons to destroy the organizations; but we recognize that they have that right. We do not plead the baby act at all. We do not withhold anything that we claim ourselves, and, on the other hand, we claim nothing which we are not willing to concede.

Now, I might recount to you at great length the abuses of Federal courts in the matter of sending forth what may be properly called "special legislation"—that is, they usurp the legislative power and make an ex post facto law and crush and destroy one side in a labor dispute. They turn over the judicial power that the Constitution and Congress have given for other purposes. They turn that over to one side in a trade dispute where vital and far-reaching interests are involved, and that side employs it as an unfair, a crushing, and overwhelming advantage against what, despite its numbers, is the weaker adversary. And this legislation is sought in order to mark anew the dividing line between the jurisdiction in law and equitable jurisdiction.

I desire now to mention two illustrations. In the western district of Arkansas the judge of the Federal court issued an injunction against the strikers at the Texas and Kansas coal mine. The case is the Texas and Kansas Coal Company v. Denney et al. I recently read an article describing the condition of those miners, and there never was described anything in all my reading more wretched than the condition of miners working in the plants of those companies. Anyhow, Judge Rogers issued an injunction, and it is no worse than a great many others, and I desire to read part of it to you. Among other things he enjoined them from "congregating at or near or on the premises of the property of the Kansas and Texas Coal Company in, about, or near the town of Huntington, Ark., or elsewhere."

They could not meet anywhere. They had to wander off in groups consisting of one each and hunt for their graves or hunt for a job elsewhere or faint on the road. They could not, two of them, meet together on the road and travel together. That is forbidden by the words of this injunction.

(Continuing reading:)

"near the town of Huntington, Ark., or elsewhere, for the purpose of intimidating its employees or molesting its employees or preventing said employees from rendering service to the Kansas and Texas Coal Company, from inducing or coercing by threats, intimidation, force, or violence, any of said employees to leave the employment of the said Kansas and Texas Coal Company, or from in any manner interfering with or molesting any person or persons who may be employed or seek employment by and of the Kansas and Texas Coal Company in the operation of its coal mines, at or near said town of Huntington, or elsewhere."

If they should meet a man in Patagonia, they could not persuade him not to go back to work under the terms of this injunction.

Mr. TIRRELL. Was that injunction appealed from? Was the legality of such an injunction as that ever tested? A judge might go on and issue an injunction saying that I can not speak for the next six months. He might do it, but it would be illegal to do it. Was that ever tested?

Mr. SPELLING. I am glad you asked that. I do not know whether it was appealed from or not. It is utterly immaterial. The mischief is already done. The ruin is wrought. The oppression is complete in a very short time after these arbitrary and ultrajudicial orders are granted; and you know that, and are bound to admit it. The right of appeal is not worth the time that it takes to name it in any of these labor disputes. Very few of these workingmen are able to employ lawyers; and suppose they were, it is unnecessary. I think it is absolutely vain and a waste of time for me to undertake to tell you gentlemen, members of the bar, about the utter futility of the right of appeal from these orders. The law is made by a judge assuming to make it in a judicial capacity. It is really special legislation, outside of his authority, and such as might issue from the star-chamber or from the throne of Caligula, and it goes forth as a thunderbolt and it strikes dumb and completely paralyzes one side of this trade dispute. And then you ask me about this right of appeal. It is absolutely worthless and not worth considering.

Now, I want to give you another instance. It happened right here. I want to say that these injunctions are increasing. They are being issued with increasing rapidity and in increased numbers. But I want to call your attention to one instance in the city of Washington within the last two weeks. The judge of one of the courts, upon a complaint filed by the Typotheta, which is an association of employing printers of the United States, issued what was called a "restraining order" against the strikers.

The typographical union—the members of the typographical union—are on a strike. The whole union is not on a strike. Most of them are at work; but the whole union is backing up those who are still out on strike. Now, it happens that heretofore the unions have been working, I think, nine hours a day, and now they refuse to work any longer except at eight hours a day. And are not eight hours of that kind of work enough? I know something about it. It is more trying on the nerves; it is more exhausting to the vitality and to the eyes—it is usually done by artificial light—than the hardest kind of study.

Are not eight hours enough? But probably it does not become me to argue the merits of that question. That is my view—that eight hours are enough. At any rate, the union stood for an eight-hour day in the printing offices. It happens that these employing printers have a lot of men employed on time contracts at nine hours a day. That time contract means this: That they pay the men every week, and they are to stay with them, I believe, for a certain time, at so many dollars a week. Some of the members of the union went to these men who were

working on time contracts and told them that they had a right to quit; that the employers might sue them for damages if they had any case against them for quitting, but that that was the only consequence which could ensue, that they could quit.

I do not know how much else there is in this case; I do not care to go into all the facts. But these are substantially the facts: The Typotheta goes into court and says that the union men are persuading these contract workers to violate their contracts, and thereupon the court assumes jurisdiction. Like a great guardian of morality or spiritual oracle of everything in this city, notwithstanding that there are adequate remedies at law for the violation of those contracts, the judge takes cognizance of the moral question involved in giving this advice. And it is not necessary for me to defend the morality of the men violating these contracts. But you gentlemen know that a court of equity has no business to interfere if I advise a man to violate a contract to do or not to do anything else. That is a specimen of what is going on in this country under cover of the judicial crinoline.

Mr. PARKER. I did not notice the word "persuade" in that previous injunction that you read. Is the word "persuade" there?

Mr. SPELLING. I am not sure. Suppose that he enjoined them from threatening these men. I would like to hear some lawyer come before some well-informed and reasonable and just man who knows the law, knows the limits of equitable jurisdiction, and make an argument that any court anywhere has a right to enjoin a man from threatening another personally under any circumstances. I throw out that challenge, and I am willing to meet it before any one such man, or before any number of such men. However, it is not involved in this controversy; that particular question is not involved here, because, as I said before, we are conservative. We stop short of the utmost boundary of our rights in this bill.

I want to point out to you where another error has arisen, where the courts have absorbed an old error from some bad precedent, and have followed it in a number of decisions, and have built up what might under some circumstances be called good law, but which I say is most detestably bad law. They have got across this line which separates personal rights—that is, the right of a man to make a bargain with reference to his labor, the right of a man to do business of a particular kind, or to do business generally or in any particular place or of any magnitude, which I say is a personal right, they have got across the line which divides those personal rights from property and property rights.

Now, gentlemen, there is nothing like a good illustration. Suppose a man is an employer; suppose he is manufacturing watches, and he employs a number of men—well, I will say one man, and he represents a hundred or a thousand.

This one man exercises his brain and his muscle and his nerves in making a watch. As a matter of fact it takes, I think, about a hundred men to make a watch, but that one man is representative. The employer has no property interests—he may have a personal interest, and it may be valuable, too—in the continuance of that employment. That man contributes those talents and those exertions. Perhaps the material in that watch is not worth more than one-fiftieth part of the aggregate value when it is completed, but I tell you that the property right of the employer is in that material, and that holds good at any stage of the process, whether it is one-tenth done or one-half done or completed. In other words, the property is represented and consists in the result of labor and not in the labor itself, and when anybody says, whether a chancellor or a Federal judge or any individual, that any employer of labor has any other interest in the labor of the men in his employ or whom he is seeking to employ he utters an absolute absurdity.

But I feel that I would be remiss in the performance of duty if I did not give special attention to the conflict now waged in New York between the Typotheta and the Typographical Union, which the Typotheta's attorney, Mr. Beatty, told us about. I have with me the wage scale now in force in that city, as presented to me by Mr. Frank Morrison, secretary of the American Federation of Labor, and it reads as follows:

NEW YORK SCALE FOR BOOK AND JOB OFFICES, MARCH, 1905.

Compositors: Book and job scale—hand composition, 44 to 50 cents per thousand; per week, \$21.

Proof readers: Per week, \$21.

Floormen and admen: Per week, \$21.

Machine printers: Per week, \$21.30.

You can scarcely realize the inadequacy of such wages if you have not lived in New York. Of the educational qualifications required of the employees I can not speak in detail, but they are very high. In short, each must be a man above the average in literary attainments. The most talented writers always expect the proof sheets to come back with a lot of query marks on the margin calling attention to rhetorical lapses, to say nothing of the absolute correctness required in the matter of orthography and punctuation.

Well, of 7,000 of these, 700 are on strike for an eight-hour day. It seems that the Typotheta have yielded to nine-tenths of the strikers. But they have a legal and a detective force on the heels of the 700. Nevertheless, the other 6,300 are tending aid to the 700. But with the lawyers and detectives and bullies always hired to insult and pick quarrels with strikers and afterwards to appear as witnesses against them, there have been eight convictions for assault. The attorney for the Typotheta got an injunction and flaunted it here proudly and exultantly. The poor, weak, unfair judge who issued it was no doubt made to believe that the mere business of the complainant was property. But that was not enough to warrant the issuance of an injunction. To complete the fabricated basis for the infamous outrage which he perpetrated upon these poorly paid and overworked men, who are among the best citizens of New York, notwithstanding their poverty, he had to hold that the capitalist has a property interest in the unemployed in what he would term the "labor market." But owing to the brazen zeal and blind partisanship of the Typotheta and their legal representative, the rapacity, unfairness, and overreaching greed of the Typotheta was made to appear in a very strong light. He thought he had advanced a very telling argument when he said it was necessary to enforce a nine-hour day, which really means lower wages than an eight-hour day, in order to capture and hold in New York the book and job printing of the United States.

There is one other question that I wish to touch upon. It is suggested by the question of the gentleman from Massachusetts. You see how far England has gone in modifying the common law. Now what has been done in the United States? Absolutely nothing in the interests of labor. One act was passed—the civil rights bill—in the interests, supposedly, of humanity. I believe it was declared unconstitutional; but at any rate it is a dead letter. Then you passed the anti-trust law, and the millions of dollars that have been spent from the

time of Olney to the time of Moody in futile and vain attempts to enforce that law have been spent in vain. There never was anything accomplished in all that litigation; there has never been anything more brought to light as the result of the hundreds of thousands of dollars spent by the Bureau of Publicity than could be procured for 25 cents at some printing office in Wall street. And yet a great deal is said about the restraints which have been thrown around organized capital.

Now, two suits, I believe, have been won—the Addyston Pipe Company and the Trans-Missouri case. The Northern Securities case and the Trans-Missouri case stand on the same bottom and amount to the same thing. Some combinations in restraint of trade were dissolved. But to advance at a bound to the conclusion—because I want to save time—you all know that "communities of interest" have united men that control substantially all the railroad mileage in the country, and that monopoly is more complete, more absolute in its prestige and its power, than it was before these decisions were rendered.

There was the Addyston Pipe Company case—and all those interests, I understand, are scooped up and united in the steel trust, and they are enjoying great prosperity despite all of the so-called "legislation" against them. By reason of all this, I say the antitrust law is a dead letter. The interstate-commerce law stands on the same basis. There are more abuses in the matter of rates and fares, more discriminations and more oppression by railroad corporations, than there was before that act of 1887 was passed. I might give you my opinion about the attempts to regulate rates, but that is not called for and is not necessary.

These, gentlemen, are the only legislative attempts to change the common law in this country in the interests of the public. You did pass the eight-hour law, but gave it a limited application, and its enforcement is a farce. There is really no serious attempt to enforce it; or if there is, it is abortive. At any rate, the act, on account of its phrasing and the way it is used, is of no benefit particularly.

You take the legislation in the interest of capital and there is no end to it. You have your national banking law and you have laws of various kinds. You have bankruptcy laws in order to help business men, and I can not begin to enumerate them. There are volumes and volumes of such statutes. And I say that where labor asks so little, and asks it upon such obvious reasons of justice, simply asking you to go back to recognized fundamental principles, and give labor what it has always been conceded it was entitled to until the modern era of usurpation, I think, gentlemen, you ought to give it very careful consideration, and I hope to see the best results from this attempt to get a bill.

Mr. KAHN. Mr. Chairman, on the 18th of last April the entire world was startled by the message which was carried by telegraph and cable to the most remote regions of the universe that San Francisco had been visited by an earthquake and that a fire was rapidly destroying the city. Much that was true and much that was untrue appeared in the press during that period. As a matter of fact it has been amply demonstrated that 95 per cent of the damage that occurred there was caused by conflagration. The earthquake did comparatively little damage, and except in those portions of the city where the houses were old and cheaply built and those portions where the ground had been filled in, the buildings were left practically intact and showed no signs of damage or injury as a result of the tremor.

Many of the tales of horror that have been chronicled as actual occurrences were mere myths and emanated from the imagination of some fertile minded and resourceful individual who little thought of the harm he was doing the stricken community by his exaggerations.

For instance, I saw newspaper accounts of a herd of wild steers that ran up Market street, the main artery of the city, and when they had reached a huge fissure that had opened in the middle of that thoroughfare the entire herd tumbled in pell-mell and forever disappeared from view. Now, everybody who knows anything about San Francisco is aware of the fact that cattle are never landed within miles of Market street; and as a matter of fact the huge fissure which was said to have engulfed the alleged steers never had an existence. I merely cite this as an example of the gross misrepresentations that occurred in many very reputable journals.

Then, too, there is a prevailing impression throughout the country that all of the water mains in the city burst, and therefore the firemen were powerless to cope with the conflagration. That is not the case. The main supply pipes—three in number, and each 44 inches in diameter—that conduct the city's water supply from Lakes Pilarcitos, San Andreas, and Crystal Springs burst about 10 miles south of San Francisco.

These pipes were carried on a trestle over what is known as the "San Bruno Marsh." During the earthquake this trestle collapsed, and as a natural consequence the pipes burst. So that the water, instead of continuing to flow into the various reservoirs that are located on the heights of San Francisco, was spilled upon the marsh, while the city's reservoirs were soon emptied by reason of the backward flow of the water through the very pipes that had been feeding these reservoirs. I mention these facts because I believe the country should know the truth about the catastrophe.

Indeed, Mr. Chairman, to show you how slight was the damage by earthquake let me cite the case of the gas companies. After conditions began to again resume a normal state the companies had a thorough survey made of their mains, pipes, and house connections. The work had to be done carefully and completely, and I recently saw an announcement that the San Francisco Gas and Electric Company had issued its

statement to the effect that the company's entire damage from earthquake was only about 2 per cent. Why, sir, if it had not been for the fire all traces of the earthquake would have been completely effaced in less than ninety days. But the conflagration was probably the greatest in the history of the world. The great fire of London in 1666 burned an area of 463 acres. It has been recorded in history as one of the world's great calamities. The fire at San Francisco consumed 497 city blocks; in other words, there were more blocks burned at San Francisco in 1906 than acres in London in 1666. The area destroyed by the flames in the metropolis of the Pacific is greater than the combined area devastated by the conflagrations of Chicago, Boston, and Baltimore. The burned district of San Francisco covers 2,560 acres of closely built-up homes, churches, schoolhouses, factories, business blocks, hotels, apartment houses, and other structures. Thirty-four schoolhouses were destroyed by the all-consuming flames. Nearly every library in the city, including the great free library, was laid in ashes.

On the night of April 18, 200,000 persons were homeless, and on the following night 300,000 souls slept in the public parks and military reservations, under the blue canopy of heaven. The scenes of individual sacrifice and individual heroism that were enacted during those days will never be adequately described. But, through it all, the courage of the people of the doomed city never forsook them. They were still imbued with the spirit of the Argonauts of 1849. Even while the fires were raging, our leading citizens, called together by Mayor Eugene E. Schmitz, were taking steps to insure the reconstruction of the stricken community.

And here and now I deem it but proper to pay a tribute to the splendid ability of San Francisco's mayor. Up to the time of his election to the mayoralty, about five years ago, he had never been in public life. He had been a leader of an orchestra for many years, but had not actively taken part in governmental affairs. But when the emergency occurred, he rose equal to the situation and gave another demonstration of the splendid dignity, the undoubted ability, and the sound, sober judgment of the American citizen under any and every circumstance and condition. Mayor Schmitz had been elected to office as the candidate of the labor unions. He had been assailed bitterly and persistently in our newspapers. But since the disaster of April 18, many of his bitterest opponents have become his most ardent supporters. And right here let me explode another canard that was published far and wide. I mean the story about martial law having been proclaimed. That story is pure fiction. The military authorities rendered magnificent services during and since the calamity. But in all they did, they acted in cooperation with and at the suggestion of Mayor Schmitz.

I said the military authorities rendered magnificent service. I am afraid that I but poorly express the debt of gratitude that the people of San Francisco owe to Maj. Gen. A. W. Greely, Brigadier-General Funston, Maj. C. A. Devol, of the Quartermaster's Department; Maj. C. R. Krauthoff, of the Commissary Department, and Lieutenant-Colonel Torney, of the Medical Department, as well as to the officers and men under them.

Within three hours after the earthquake, and while the fire was raging and spreading, the soldiers of Uncle Sam's Army were patrolling the streets of San Francisco, protecting property and life. While it is true that a proclamation was issued by the mayor that all looters would be shot on sight, the fact remains that not in a single instance was it necessary to enforce the drastic order. All the stories of men having been shot down by the regulars while the former were engaged in dismembering the bodies of their hapless victims in order that they (the thieves) might possess themselves of the jewelry and gewgaws of their prey are purely the creation of some fertile imagination. General Greely told me personally that not a single instance of the kind had occurred, so far as a strict investigation could determine.

Nor were the officers and men of the American Navy less active. They, too, rendered yeoman service in saving property and protecting life. But it is impossible, in the brief period allotted me, to mention all of the splendid army of officials and individuals who found no duty too hazardous in their efforts to stop the ravages of the onrushing flames. The Federal officials, in saving Federal property, risked their own lives and fought the fires with courage undaunted while all around them roared a sea of flame and smoke. That three out of the four Federal buildings in San Francisco were saved is the greatest monument to the courage and heroism of these men and their officers. The police and fire departments of San Francisco sought neither sleep nor rest during the more than sixty hours that the fire raged. We of San Francisco are proud of them:

we know their loyalty, their devotion to duty, and we know, too, how splendidly they fought during those trying hours in the face of almost insurmountable obstacles.

As I stated before, it is impossible to give a full measure of praise to all that deserve it, because my time is entirely too limited. But the acts and the deeds of our heroes are written indelibly on the hearts and in the minds of the grateful people of San Francisco. And what shall I say of the gratitude that fills their hearts for all the sympathy, moral and material, that has been showered upon them, not only by their fellow-citizens throughout these United States, but by all the peoples of all the world? I feel that I can but inadequately express their sentiments to the Congress, to the President and all of his Cabinet, to the governors and the citizens of the various States of our Union, to the mayors and the residents of the thousands of municipalities throughout our nation that heard the cry of San Francisco's distress, nor heard it in vain. The Southern Pacific and the Santa Fe railroads rushed supply trains into the stricken city on passenger-train schedules, and in all that city of houseless and homeless thousands there was none that wanted for food even from the beginning of the holocaust, and in a very brief period there was none that wanted for shelter. For all those who heard that cry we utter a fervent "God bless you."

And as a Representative in this House from the stricken city, I feel I should be recreant in my duty if I omitted to say a few words in regard to the manner in which her people acquitted themselves in the hour of their peril and distress. Every order, every command, every request that was issued by those in authority was obeyed to the letter. There was no murmuring; there was no whimpering.

Each man assumed his own burdens, and tried to cheer up those less fortunate than himself. For days the city was in absolute darkness at nightfall. For days the water supply was impaired. For weeks it was found inadvisable to start fires within doors, and all cooking had to be done in the streets. There was danger of epidemic from contagious diseases unless sanitary regulations were zealously enforced. Our people accepted all of these conditions cheerfully, hopefully, buoyantly. It was a return to the days of the frontier—to the days when we had a primitive civilization on the shores of the Pacific. Our property loss was probably the greatest in the history of mankind. As nearly as I have been able to learn the lowest estimate of the loss, the most conservative estimate, is \$350,000,000. Some estimates are as high as \$500,000,000. The question of insurance is a burning, vital question with the people of San Francisco at this time. I am informed that the amount of insurance carried on the destroyed property aggregated \$208,000,000. The splendid report emanating from the Judiciary Committee of this House and also the one from the Judiciary Committee of the Senate indicate that Congress has no jurisdiction over the question of insurance. It is perhaps unfortunate that such a condition should exist. I am told, and I learn from the San Francisco newspapers, that more than half of the insurance companies that have been doing business in that city for many years have announced that under no circumstances will they pay more than 75 per cent of their policies.

Some companies have repudiated their policies entirely, and I am informed reliably that only thirty-three or thirty-four companies have announced, up to the present time, that they would pay their losses dollar for dollar. The question of insurance is not alone of interest to the people of San Francisco, but to the people of the entire United States, and the people of the United States ought to know the names of those insurance companies that repudiate their policies and those that refuse to meet their just obligations. Mr. Chairman, when Congress reconvenes next December, I hope to place in the CONGRESSIONAL RECORD the name of every insurance company that refuses to meet its just obligations in that city, in order that the people of the United States, the people who pay their premiums in the hope of recovering their losses in case of fire, may know the names of those companies that are unreliable and dishonest and that will not pay their obligations when the time comes for them to do so. Every person that carries a fire-insurance policy is interested in this matter. Every person is entitled to know and ought to know whether the company that collects its premiums from him is honest or dishonest.

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Yes, sir; certainly.

Mr. MANN. Do these insurance companies that refuse to pay the full amount of the insurance make any claim that part of the loss was by the earthquake and not by the fire?

Mr. KAHN. They do not. As far as I have been able to learn, there have been about thirteen companies who had clauses in their policies to the effect that if the proximate cause

of the fire was some act of God, such as an earthquake, then they would not be responsible, and one of those companies, up to the present time, has announced frankly and candidly that it will take advantage of that clause and will refuse to pay any of its losses. Now, of course, that will lead to a legal fight probably, but that is the only instance that I know of where a company has fallen back on some clause in its policy. About sixty of the other companies have simply signed a compact, as far as I have been able to learn, saying that under no circumstances will they pay more than 75 per cent of the amount due under their policies.

Mr. MANN. Without regard to any claim of justice at all?

Mr. KAHN. So I have been informed. Now, mark you, there were only about 117 or 118 companies doing business in San Francisco. So that 50 per cent of all the companies have declared they intend to repudiate their contracts. If they persist in that intention, they ought to be exposed thoroughly and fully. The insurance commissioner of California, Hon. Myron E. Wolf, will prepare an official list of the honest and the dishonest companies in the near future. I feel that as a Representative from that city, which has suffered so much and to which the loss of this insurance money means so much, I ought to make known to the people of the United States and to the entire world, for that matter, the name of every honest company and the name of every dishonest one. [Applause.]

Sir, the people of San Francisco are doing all that mortal man can do to recover from their present misfortune. The labor unions of the building trades promptly declared that there would be no demand on their part for an increase of wages, and that for the time being they would work nine hours instead of eight. Temporary structures are being erected everywhere. But we need this insurance money, and we must have that which is rightfully and justly due us.

And so, Mr. Chairman, we shall continue to hope for a settlement of this vexatious question. The people of San Francisco are determined to rebuild their city, to recover from their present misfortune. They come of that stock that does not know the meaning of the word "fail." They will build anew, and they will build better and stronger and firmer than before. They have the most magnificent harbor in the world. They have a climate that knows neither the extreme of summer's heat nor winter's cold. They possess a soil that will produce anything that grows on the face of God's footstool. They have unbounded, undying faith—faith in the future of their glorious State and their beloved city, and they will work constantly, earnestly, loyally, and uncomplainingly to rear their stricken city from her ashes. [Loud applause.]

Mr. WHARTON. Mr. Chairman, I would like to make a few remarks upon the agricultural appropriation bill, and especially upon that part of it which pertains to the meat inspection provision, commonly known as the "Beveridge amendment," and the bill that was reported by the House Committee on Agriculture, which was up for consideration this afternoon.

In the first place, Mr. Chairman, there has been an unwarranted and inestimable amount of damage done not only to the packers of Chicago, but to an industry that is one of the largest in the Middle West, namely, the cattle raisers. I think I am correct in stating that the State of Texas alone contains at this time about 9,000,000 head of cattle. I believe there is somewhere in the neighborhood of 45,000,000 head of cattle in the United States.

Now, then, the disclosures that have been made have been made simply, in the first instance, because of a book written by one Upton Sinclair, and which was taken notice of by the President of the United States, who thereafter sent a commission to make an investigation of the conditions in the stock yards. This commission, composed of Messrs. Neill and Reynolds, presented to the President a report which was intended to carry terror to the hearts of everybody who ate canned meat or meat of any description. I can not say what the motives of anybody in this investigation have been except by an examination of those things we have before us in the form of evidence. One of the things that we have is the report of these commissioners, Neill and Reynolds, this privy council, sent out by the President, given authority by him, made official by his stamp; and all you have to do is to examine their report to see whether or not there is any truth in its apparent purport.

In the first place, it makes a general statement of the conditions that exist there, and everything that the Commission attempts to prove is done in an argumentative manner.

There is another report, if you remember, a report made by the Department of Agriculture, a report which is thorough. It went into detail. It gave the names of the places that were examined, it gave the time and the place, and the things that

were found to be against sanitation, and the conditions that existed at the time and just as it was. This later report of Neill and Reynolds was simply a sort of résumé of the mental condition of the two commissioners. They point out things in that report which, as said by the President, were revolting; but they attempt to show them as general conditions, as practices existing, as general practices of the people who worked in that industry, and permitted by the owners of that industry, when in fact it was not warranted by the conditions as they found them.

Now, then, in the first place, the very instance that was pointed out—one of the things which Messrs. Neill and Reynolds, this privy council, found—was the case of a poor, inoffensive hog that had been killed and was going down to the cooling room, and it went along on that little trolley on which all these hogs are carried until they get into the cooling room. Through some accident, some mishap, the hog fell on the floor, and, as Mr. Neill in his report says, went part way into a man's privy. That may have been true in that particular isolated instance; but I want to say, if it was, it was only an isolated case of such a happening as that. Every working day in the year hundreds and hundreds, even thousands, of hogs go along that same trolley that this one went along, and this is only one instance of such an occurrence in operations involving the handling of thousands of hogs.

There is another instance in Mr. Neill's report, in which he said while making this examination he was walking along through one of the working rooms when he saw a large table covered with meat, meat which was going into the canning department, to be sent out as prepared food products. Now, this table was as long as the table in the room of the Committee on Agriculture, and three times as wide as that table, which would hold hundreds and hundreds of pounds of meat, and there he found that evil thing, a piece of rope and a piece of pigskin! Think of it; one little piece of rope and a piece of pigskin! One little incident in a bunch of meat that contained thousands of pounds, and on examination he said "Why, I did not examine to see if that was the general condition of that meat there on the table." A whole table full, and he just saw this particular isolated instance. Picked it up, and laughed, showed it to Mr. Reynolds, and walked along.

Now, what do you think of the testimony of a man who did such a thing as that? Why, when he saw this, did he not examine that table of meat to see if any more such instances were present? Sent out there to find out and observe the conditions as they were for the purpose of reporting to Congress, a report which was to go to the country, and not only to this country, but every country that uses our canned products. But, no, when the time for the report came, when it was liable to create an impression in the minds of the people which would influence them to the extent of injuring the products of this industry to the extent of millions of dollars, he has nothing but inferences and innuendo. Why, do you think it would have been made by a man who had had any experience, who had gone out there with the intent to find the conditions as they were and bring back a truthful and an accurate account to Congress? Would he have done it in that slipshod manner? I do not think any reasonable man would say that he would have done that way at all. No; of course he would not. They would have gone out, if they were competent and honest commissioners, and started to make an investigation along thorough lines.

They would have tabulated the places visited, they would have tabulated the things and conditions they actually observed, and put it down with some regularity, so that when they came back they could report upon it and tell what they saw. They would tell it to us on their responsibility, and say under what conditions it occurred. Then we would have something to be guided by. But here they take up this isolated case which they had observed, drag it in here and throw it on the people, the workers of that district as a general practice of these workers.

Why, he makes in his report a charge something like this: The conditions in which these people, and especially the girls in the canning department work, has a tendency to lower their moral degradation. They throw a blast like that upon a lot of girls whose only crime in the world is the fact that they are compelled to work and slave as laborers out there and be insulted and dragged down and villified by a man like Mr. Neill. This is a slander made to bolster up his report and is not warranted by the true conditions.

In another place in his report he testified before the committee that he saw meat thrown upon the floor, dragged from room to room in rotten wooden boxes, through which course it was in the way of gathering the expectoration of tuberculous and other diseased workers. When pressed for the reason for that

statement before the committee, he said he thought that they were tuberculous workers there, because they looked like it from his observation of them as he walked along. Is there a man in the world who would dare to get up in an audience and make such a broad assertion like that—that people working in a certain line were tuberculous, without having opportunity for at least some investigation? Why he was just casually observing, and he charged these people to be tuberculous, not one or two, but as a class—that they had that appearance to him generally. When pressed further for an explanation of the basis of his statement as to the other diseased workers, he said that they looked and had the smell of people that he had examined in the G. U. section.

Think of that as a statement to make to the country, that this meat that was consumed, not only in this country, but abroad, handled by people in this condition, when he knows, if he ever talked with physicians who had any practice in that district, or with anybody who knows anything about it, these 30,000 people engaged in that industry, that he told a deliberate falsehood when he made those statements. [Applause.] He knows that those conditions are not true. He knows that he went out there to make that report just as he made it. He knows that he had no foundation for the things that he put in that report, and he knows that those things which he saw, if he did see them, were simply isolated cases, like those which will happen in the management of any large concern. I do not care anything in particular about the packers, but I do care about the people who work in that district, because anything that affects the packers affects them directly. If the packers do not have a demand for their product they do not have a demand for the labor of the people who work there, and if there is no demand for the labor of the people who work there they must lie idle. They are poor people; they must work somewhere. They have lived and worked there all their lives. That is their line of business, just the same as working in a mine is the business of a miner.

Mr. GARRETT. How long a period did that Neill-Reynolds investigation cover there?

Mr. WHARTON. He said it covered about two weeks.

Mr. GARRETT. And how long a period did the investigation made by the Agricultural Department cover?

Mr. WHARTON. I do not remember the time, but my recollection of it is that it was something like a month.

Mr. GARRETT. Prior to or coincident with the Neill-Reynolds investigation?

Mr. WHARTON. Prior. If I remember correctly, it was some time in April that that investigation was made, months before Neill went out to make his investigation.

Now, there is just one other question that I want to speak about, and that is a question that received some attention here this afternoon. They spoke about the payment of the inspection by assessing a fee on each head of cattle killed. There is no doubt that inspection is needed.

The best inspection that we can have is none too good. It is demanded by everybody who is interested, everybody who eats the meat, everybody who has one interest or another in that industry, and by the public at large. It is a matter which concerns the public health. For that reason alone it is of enough importance to the public to be borne at the public expense. But here is one great objection that I have to assessing the cost of inspection as a fee upon each individual animal killed. I claim that the inspection has for one of its purposes the establishment of confidence in the minds of foreigners who use our products. If that be true, of course there are interests in foreign countries which have every object in the world to decry our meats, to keep them under suspicion, and to create as much opposition to them as possible.

Now, if this fee was assessed on the cattle, or if the packer, in other words, had to pay the fee, the argument would be made, "Why, certainly; the packers pay \$3,000,000 a year, a large amount of money, for their inspection. What good is that to us? We want something which will be a guaranty to us that these food products are exactly what they are represented to be; we want to know that they are pure, clean, and wholesome. We can not know that as long as the inspection is paid for by the packer. What we want is Government inspection. We want the stamp of the approval of your Government before we will be satisfied to accept your meats." Now, we want the impression to go abroad, and to be founded on the fact that these meats are all right, that they have been examined by the Government and that that examination will be accepted by everybody interested as a guaranty of the purity and wholesomeness of our American meats and their cleanliness of preparation. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, I would ask if there is anyone on the other side of the House who would like to be recognized?

Mr. WILLIAMS. Mr. Chairman, at this moment there seems to be no one on this side who desires to speak.

Mr. JOHNSON. Mr. Chairman, during the entire session of Congress now drawing to a close I have not addressed the House except upon pending legislation. I shall depart from my usual custom for the few minutes accorded me this evening.

I wish to talk about the State which I have the honor in part to represent on this floor. I am led to that course because many Members of Congress do not know how to pronounce the name even, although the State has taken a conspicuous part in every era in American history. The name is historic, significant, and euphonious when pronounced properly, South Carolina. When pronounced as I frequently hear it, it is harsh and meaningless. As I said a moment ago, the State has always taken a conspicuous part in every crisis in our history. Her people have been a people of marked individuality and characteristics. It has frequently happened that South Carolinians were in a hopeless minority, but her people have never left any doubt as to their position on public questions.

We have, Mr. Chairman, a unique and ideal civilization. A few weeks ago, when a divorce congress was in session in this city, South Carolina was the only State in the Union that had no delegates there. She needed none. South Carolina is the only English-speaking State in the world where the courts are forbidden to dissolve the marriage ties. We believe that when a man and a woman, in the presence of man and God, plight their troth, for better or for worse, for weal or for woe, only death should them part. It is a sacred and inviolable union.

The constitution of the State prohibits any court created by that constitution from ever undertaking to assume jurisdiction in a divorce case. The constitution prohibits the legislature from conferring that power on any court hereafter to be created. This unique and ideal civilization results in our being taught from infancy that a woman's honor is above the law and beyond price. No man dare lay the strong hand of violence on a woman. No man will dare destroy the ties that even the courts are forbidden to break. Our people will defend a woman and the sacred ties of the home with their lives, if need be. From these circumstances some people believe us a hot-blooded people. It is to our credit that even our failings lean to virtue's side.

We have not only this high idea of civilization, but we are one of the most magnificent States, agriculturally and industrially, in the Union. Most people would suppose that the great corn States would take the prize in the production of Indian corn. Let me call your attention to the fact that in 1889 the American Agriculturist, published in New York, offered a prize of \$500 in gold for the largest yield of corn on 1 measured acre. The contest was open to all the farmers in the United States. The South Carolina Agricultural and Mechanical Society supplemented this offer with \$500 more if the successful contestant was a South Carolinian. Mr. Z. J. Drake, of Marlboro County, S. C., won the prize, making 254 bushels and 48 pounds of corn, the largest known yield in the history of the world. The full account of this remarkable corn contest can be found in the American Agriculturist, of New York, for March, 1890. It would pay any farmer well to read it.

Having astonished many of you by showing that the largest yield of corn produced on 1 acre was in South Carolina, I will go one step farther and show that it is not the rich lands of Mississippi, Louisiana, Arkansas, and Texas that have produced the largest yield of cotton on 1 acre, but that distinction belongs to South Carolina. In 1904 the First National Bank of Spartanburg, S. C., offered a prize of \$100 in gold for the largest yield of cotton on 1 surveyed acre of land. This contest was confined to Spartanburg County, the county in which I live, and the county, by the way, which is the largest cotton-manufacturing county in the South.

Mr. C. A. Murph, who won this prize, made 4,284 pounds of cotton on 1 acre of land. I insert here the names and yield of fourteen contestants, and it will be observed that the lowest yield was 1½ bales of cotton per acre. It is not intended to convey the impression that all farmers make 255 bushels of corn or 4,284 pounds of cotton, but this test shows what can be accomplished in the production of corn and cotton in South Carolina by intelligent effort:

THE \$100 PRIZE.

Monday the committee to award the \$100 prize offered by the First National Bank for the best yield of cotton on 1 acre met and received

the returns. They are as follows, the weight of the seed cotton being given:

| | |
|-----------------|--------|
| C. A. Murph | 4,284 |
| Thomas Murph | 3,422 |
| J. J. Tinsley | 3,350 |
| J. C. Lee | 3,348 |
| G. C. McMakin | 3,031 |
| C. G. Smoak | 3,009 |
| John T. Gentry | 2,962 |
| J. W. Ballenger | 2,527 |
| J. B. Lee | 2,524 |
| Paul V. Moore | 2,255½ |
| A. S. Wingo | 2,215 |
| D. H. Golightly | 2,198½ |
| J. A. Weir | 1,908 |
| T. J. Moore | 1,935 |

C. A. Murph, near Rich Hill, received the prize. It will be noted that the first four all live near Rich Hill, indicating that the soil in that vicinity is well adapted to cotton.

Mr. Chairman, not only in the production of corn and cotton, but in manufactures South Carolina has made marvelous progress, and to-day she makes a magnificent showing. In the seventies, when we began to construct cotton mills in the South for the manufacture of coarse goods and succeeded remarkably well, it was said that the South possessed peculiar advantages in the manufacture of the coarse grades of cotton goods, but that we could never manufacture the finer grades in competition with New England. As the years went by we continued to build mills for the manufacture of finer goods, and now we are manufacturing cotton fabrics which turn out 7, 8, 10, and 12 yards of cloth to the pound. We have not found that we did not possess the same advantages in the manufacture of the finer grades that we possessed in the manufacture of the coarser grades. I will insert at this point an extract from the Manufacturers' Record, which is authority on subjects of this kind and can be absolutely relied upon for accuracy. This shows the growth of cotton manufacture in the South by decades:

Of the growth of cotton manufacturing in the South during the last five years much has been written, and yet a bare recital of what has been done, as told by the statistics of this industry, may well command attention. Elsewhere in this issue we are publishing a detailed statement giving the name, address, and number of spindles and looms of every cotton mill in the South. This list shows a total of 642 cotton-mill companies or firms, many of the companies owning two or more mills, with an aggregate of 9,470,000 spindles. Comparing this with the statistics of the past, we have the following statement of the growth of this industry in the South:

| Year. | Number of spindles. | Capital invested in cotton manufacturing. |
|-------|---------------------|---|
| 1880 | 667,000 | \$21,000,000 |
| 1890 | 1,712,000 | 60,000,000 |
| 1900 | 4,452,000 | 112,537,000 |
| 1906 | 9,470,000 | 230,000,000 |

I also insert an extract from the Scrap Book, quoting from the Manufacturers' Record certain figures showing the marvelous growth of the South in the industrial world:

In a hazy sort of way many persons in the North have long been aware that the Southern States are giving their northern sisters a close race in the fight for industrial honors. The fact is, however, that in the course of the last quarter of a century the progress made by the "New South" has been little short of phenomenal. This will be readily appreciated by all who glance over the following examples of commercial growth. The figures for 1880 are from the Government census of that year, and those for 1905 have been obtained by R. H. Edmunds, the editor of the Manufacturers' Record:

"From \$257,000,000 invested in capital for factories to \$1,500,000,000; increase, \$1,243,000,000.

"From \$457,000,000 yearly value of products of factories to \$1,750,000,000; increase, \$1,293,000,000.

"From \$21,000,000 capital invested in cotton mills to \$225,000,000; increase, \$204,000,000.

"From \$313,000,000 annual value of cotton crop to \$680,000,000; increase, \$367,000,000.

"From 225,000 bales of cotton used in southern cotton mills to 2,163,000; increase, 1,938,000 bales.

"From \$39,000,000 yearly lumber product to \$250,000,000; increase, \$211,000,000.

"From 397,000 tons of pig iron produced to 3,100,000 tons; increase, 2,703,000 tons.

"From \$261,000,000 yearly value of exports abroad to \$555,000,000; increase, \$294,000,000.

"From \$660,000,000 yearly value of farm products to \$1,750,000,000; increase, \$1,090,000,000.

"From 20,600 miles of railroad to 60,000 miles; increase, 39,400 miles.

"From 179,000 barrels of petroleum produced to 42,495,000; increase, 42,316,000 barrels.

"From 45 cotton-oil mills to 780; increase, 735 mills.

"From \$800,000 capital invested in cotton-oil mills to \$54,600,000; increase, \$53,800,000.

"From 667,000 spindles in cotton mills to 9,205,000; increase, 8,538,000 spindles.

"From 211,377 tons of phosphate mined yearly to 1,087,428; increase, 876,051 tons.

"From 397,776 tons of coke produced yearly to 6,244,185; increase, 5,846,409 tons."

To crown it all, from \$3,051,000,000 assessed property valuation to

\$6,500,000,000; increase, \$3,449,000,000, or an average increase of \$138,000,000 for the twenty-five years.

I also insert a table from the Manufacturers' Record, showing the number of mills, spindles, and looms by States, brought down to April 1, 1906:

| State. | Mills. | Spindles. | Looms. |
|----------------|--------|-----------|---------|
| Alabama | 54 | 767,276 | 15,059 |
| Arkansas | 4 | 85,628 | 240 |
| Georgia | 113 | 1,770,967 | 38,590 |
| Kentucky | 7 | 87,032 | 1,338 |
| Louisiana | 3 | 91,700 | 2,350 |
| Maryland | 17 | 201,750 | 3,624 |
| Mississippi | 20 | 189,607 | 4,707 |
| North Carolina | 243 | 2,465,982 | 51,235 |
| South Carolina | 136 | 3,323,408 | 84,214 |
| Tennessee | 20 | 219,308 | 4,475 |
| Texas | 15 | 79,433 | 2,343 |
| Virginia | 10 | 223,526 | 8,028 |
| Total | 642 | 9,470,647 | 213,293 |

I desire to insert in the RECORD at this point two tables, showing the takings and consumption of raw cotton for the year ending August 31, 1905, by the northern manufacturers and by the southern manufacturers:

Stocks, takings, and consumption of raw cotton by northern manufacturers during the year ending August 31, 1905, by States.

| State. | Stocks Sept. 1, 1904 (bales). | Net takings during year (bales). | Consumption during year. | | Stocks Aug. 31, 1905 (bales). | Average weight per bale (pounds). |
|------------------|-------------------------------|----------------------------------|--------------------------|---------------|-------------------------------|-----------------------------------|
| | | | Bales. | Pounds. | | |
| Total | 267,155 | 2,233,193 | 2,138,829 | 1,063,919,990 | 411,519 | 497 |
| Connecticut | 11,996 | 124,129 | 112,029 | 55,121,649 | 24,096 | 492 |
| Indiana | 1,823 | 20,623 | 24,484 | 12,335,726 | 3,467 | 536 |
| Maine | 18,209 | 161,525 | 147,670 | 74,078,067 | 32,084 | 532 |
| Maryland | 1,445 | 61,302 | 53,630 | 27,778,469 | 4,117 | 474 |
| Massachusetts | 149,386 | 1,080,236 | 1,044,169 | 520,975,936 | 194,453 | 499 |
| New Hampshire | 35,203 | 283,722 | 269,076 | 135,761,535 | 55,912 | 505 |
| New Jersey | 3,580 | 80,599 | 27,906 | 12,823,576 | 6,286 | 490 |
| New York | 10,115 | 172,945 | 157,259 | 77,993,864 | 25,811 | 496 |
| Ohio | 2,711 | 28,486 | 21,884 | 10,421,136 | 9,313 | 476 |
| Pennsylvania | 4,638 | 64,780 | 57,606 | 28,647,973 | 11,812 | 497 |
| Rhode Island | 24,693 | 180,775 | 168,564 | 83,552,394 | 36,904 | 496 |
| Vermont | 1,574 | 12,806 | 11,784 | 5,945,997 | 2,595 | 509 |
| All other States | 2,204 | 40,264 | 37,780 | 18,373,708 | 4,688 | 486 |

Stocks, takings, and consumption of raw cotton by southern manufacturers during the year ending August 31, 1905, by States.

| State. | Stocks Sept. 1, 1904 (bales). | Net takings during year (bales). | Consumption during year. | | Stocks Aug. 31, 1905 (bales). | Average weight per bale (pounds). |
|-------------------|-------------------------------|----------------------------------|--------------------------|---------------|-------------------------------|-----------------------------------|
| | | | Bales. | Pounds. | | |
| Total | 81,299 | 2,294,895 | 2,140,151 | 1,012,079,237 | 236,048 | 473 |
| Alabama | 10,793 | 245,467 | 228,942 | 113,338,977 | 27,318 | 465 |
| Arkansas | 65 | 3,738 | 3,408 | 1,689,737 | 395 | 493 |
| Georgia | 14,548 | 511,148 | 477,004 | 219,717,434 | 43,662 | 461 |
| Louisiana | 53 | 14,926 | 14,701 | 7,118,663 | 278 | 484 |
| Mississippi | 1,140 | 36,530 | 33,913 | 16,736,679 | 3,757 | 494 |
| Missouri | 596 | 5,032 | 5,128 | 2,743,595 | 550 | 535 |
| North Carolina | 15,333 | 622,747 | 594,174 | 277,921,815 | 43,906 | 468 |
| South Carolina | 31,969 | 675,627 | 620,839 | 292,550,372 | 46,757 | 471 |
| Tennessee | 2,513 | 57,460 | 50,135 | 24,874,787 | 9,838 | 493 |
| Texas | 602 | 31,623 | 29,172 | 14,716,049 | 3,053 | 504 |
| Virginia | 1,691 | 62,605 | 57,223 | 28,165,597 | 7,073 | 492 |
| All other States* | 1,996 | 27,942 | 25,512 | 12,505,532 | 4,426 | 490 |

* Includes Florida, Indian Territory, Kansas, Kentucky, and Oklahoma.

It will be observed from these tables that South Carolina is the second State in the Union in cotton manufacturing, Massachusetts being first. Our success in this field of endeavor is due to conservative management and the high character, industry, and intelligence of the help. Our people are not acquainted with the methods of frenzied finance. Subscriptions to stock are paid for in cash at par. We have no watered stock. Even in cases where the stockholder desires to pay his subscription or any part of it in property, the law requires that fact to be stated upon the subscription list, and there must be written on the face of the subscription list a minute description of the property and the value he places upon it, so as to advise the other stockholder of the facts and enable him to determine for himself whether he will place cash against the property at the price indicated. We have no promoters or contributed influences, who issue thousands and millions of dollars' worth of watered stock as the price of their influence.

A moment ago I spoke of the high character, industry, and intelligence of the employees of the South Carolina mills. All

the employees are native born. They were born and reared on the farms and have habits of industry, thrift, and frugality, and these qualities have caused and will maintain success in the operation of the mills.

So, Mr. Chairman, South Carolina, by her peculiar civilization, to which I have referred, her splendid climate, her soil so well adapted to the cultivation of cotton and corn, and her manufactures, is a most inviting spot.

Mr. PADGETT. Mr. Chairman, the House being in Committee of the Whole House on the state of the Union, it can not be inappropriate, at least it will not contravene the custom of the House and its practice, to make some remarks pertaining not to the bill under consideration, but to matters relating to the state of the Union.

I desire at the outset of my remarks to call attention to what I consider one of the most remarkable and one of the most extreme and dangerous statements ever made by a public man in American history. I realize that the President of the United States who now occupies the White House was elected to that honorable position by a wonderful majority, an unprecedented majority of the popular vote.

I realize also that he is an exceedingly popular man at the present time, and it might be considered perhaps a little amiss to offer a suggestion that might be construed as a criticism of either an act or a statement of the present Chief Magistrate of these United States. I refer to the statement made by the President in his address delivered at the laying of the corner stone of the Office Building of the House of Representatives, commonly designated as his "muck-rake speech." After delivering himself upon various subjects the President used this language:

It is important to this people to grapple with the problems connected with the amassing of enormous fortunes and the use of their fortunes, both corporate and individual, in business. We should discriminate in the sharpest way between fortunes well won and fortunes ill won, between those gained as an incident to performing great services to the community as a whole and those gained in evil fashion by keeping just within the limits of mere law honesty. Of course no amount of charity in spending such fortunes in any way compensates for misconduct in making them. As a matter of personal conviction, and without pretending to discuss the details or formulate the system, I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount, either given in life or devised or bequeathed upon death to any individual, a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand out more than a certain amount to any one individual, the tax of course to be imposed by the National and not the State government. Such taxation should of course be aimed merely at the inheritance or transmission in their entirety of those fortunes swollen beyond all healthy limits.

It occurs to me, Mr. Chairman, that that statement, made by the President of the United States, coupled with the fact that he is an exceedingly popular man, is calculated to mislead and to do an enormous amount of injury in this country. Because of his popularity the country may not pause to weigh and consider the gravity of the utterance or its dangerous tendencies. It seems to me that the President loses sight of the foundation principles upon which this Government is based and launches forth toward the goal of socialism, the outpost of socialism, to which no public man of standing in this country has ever yet approached. It is to be noticed that the President recognizes and calls attention to the fact that there are fortunes well won and fortunes ill won, and yet in his remedy he treats all alike.

I am aware that the President calls it a tax. I deny that the remedy which he proposes is in any sense a tax. He boldly declares and proclaims, as a remedy for what he considers to be an existing evil, confiscation of the estates of private citizens. It will be noticed that the President declares that the limitation shall be, to use his exact words, "a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand out more than a certain amount to any one individual," and just before that he uses this language: "I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount, either given in life or devised or bequeathed upon death to any individual." That is to say, the President of the United States is advocating that the National Government and not the State government, under the guise and the semblance of the exercise of the taxing power, shall take away from the individual during his lifetime the power to dispose of his estate and his property beyond a certain amount, and upon the death of the individual to limit the right of descent and of inheritance. I shall not attempt to carry out this discussion to all of its logical consequences. The statement of the proposition will arouse in the thoughtful mind reflections that are calculated well to put to serious thought the conscience and the judgment of the American people. This remedy proposed by the President of the United States, to take away from the States the control of inheritance and confer it on the Federal Government and to take

away from the individual citizen the right during lifetime to dispose of his estate, and upon his death the right either of descent or of inheritance by will or under the State law, to receive the estate of the ancestor, and this curtailment to apply to all beyond a certain amount, I would say is a doctrine that is subversive of the fundamental principles upon which rests the theory of our Government and the very genius of our institutions.

Mr. GARRETT. Will my colleague yield for a question?

Mr. PADGETT. Certainly.

Mr. GARRETT. Does my colleague believe as a lawyer that, under the income-tax decisions, reasoning by analogy, the utterances of the President of the United States upon that question amount to anything more than mere spectacular thought, like so many other things that the present distinguished occupant of the White House has dealt with in his public career?

Mr. PADGETT. I think, so far as realization is concerned, it is purely spectacular. I think that, so far as its injurious effects and consequences upon the public mind and public thought, calculated to arouse discontent and to breed feelings that are subversive of the best interests of the country are concerned, it is extremely dangerous. Let us think for a moment. Suppose that we should adopt the principle laid down by the President and here enunciated, and that we should fix any amount that a person could transmit by gift in life or that could pass under the law of inheritance or by descent or will after death, and suppose we should fix that at fifty millions, how long would it be, having undermined the fundamental right and doctrine of private estate and private property, until there would arise in this country the advocates who would assert that fifty millions was too much and that twenty-five millions was a sufficiency?

If \$25,000,000 were then adopted, how long would that remain in force until another sect would arise and assert that \$10,000,000 was enough for any one man to own or to transmit; and if ten million were adopted, how long would it be until a sect would arise declaring that five millions was sufficient, reducing it down. This declaration undermines the very basic principle upon which our institutions rest—the doctrine of the ownership of private property. And you will bear in mind that this is in no sense an advocacy of a tax, notwithstanding he calls it a tax; because a tax carries with it the idea of a contribution by the citizen of his legitimate share, based upon the general law, toward the maintenance of the Government; but this declaration, boldly made, asserts the purpose to take away from the individual all of his estate except a given amount. For instance, suppose the Government should establish that \$50,000,000 was the limit, and a man was worth a hundred million, and you take away from him all above \$50,000,000. Is that a tax? Is that the idea upon which the principle of taxation rests in this Government? Nay, verily. But I only use this as an introductory, if you please, to what I desire to call attention to now. The President recognizes that times are out of joint; that conditions are in a wrong state, and that a remedy is needed. I agree with him, but I do not agree as to the remedy which he proposes.

Mr. GILBERT of Kentucky. Does not the Government already, under our system of jurisprudence, prevent an estate from accumulating to the extent that it becomes a menace to public order by repealing the laws in relation to entailment and primogeniture and other property rights that existed in the old country?

Mr. PADGETT. Yes; to some extent; but still leaves the right of transmission. It does not confiscate.

Mr. GILBERT of Kentucky. But why was the right of transmission curtailed? Was it not done for the public good?

Mr. PADGETT. Yes, sir.

Mr. GILBERT of Kentucky. Do you not think that if the Standard Oil Company could entail a profit of \$100,000,000 year after year for a generation that it would become a menace to good order?

Mr. PADGETT. It might do so. A corporation is a creation of law. The law prescribes and limits its power and purposes and may decree how much or what character of property it may own.

Mr. GILBERT of Kentucky. Do you not think that every citizen holds his property subject to the public good? The titles to our lands are said to be allodial—that is, whenever a public exigency demands it, they can take that property by paying a just compensation for the property.

Mr. PADGETT. But—

Mr. GILBERT of Kentucky. Why should not that apply to vast estates that become a menace to good order?

Mr. GARRETT. If my colleague will permit me to suggest,

never yet has the Government sought to take, and never yet has the idea been advanced that the Government would take, except what was sufficient to serve the purposes of government and administer the affairs of government.

Mr. PADGETT. And for a public use and upon the return of an equivalent consideration.

Mr. GARRETT. And if my colleague will permit further, the fact that the laws permitting entailment have been repealed does not inure to the benefit of government.

Mr. PADGETT. But only to distribution of the money—

Mr. GILBERT of Kentucky. But preventing private fortunes from accumulating from one generation to another indirectly inures to the benefit of the Commonwealth.

Mr. PADGETT. Certainly; the distribution of money to those entitled to it, but it does not confiscate it. If you will bear with me for a moment, I have your idea, and I think I shall meet it. I call attention to this as the remedy suggested by the President for conditions that are existing, which he admits are evil and are wrong and need a remedy. I agree with him that there are evil conditions existing; that they need to be remedied, but I disagree with him as to the remedy proposed. It will be noticed that the proposition of the President does not suggest a change of conditions which make possible the accumulation of these menacing fortunes. He suffers these conditions to continue, but advocates the confiscation of the fortune after it has been made. Would it not be wiser and better to change the wrong conditions and prevent their accumulation? What are the evil conditions? Why do they exist? It is because the laws and machinery of the Government have been used for the purpose of creating and maintaining artificial conditions. Natural conditions have been destroyed by legislation. There has been substituted in its stead an abnormal condition, an artificial condition. The taxing power has been used not for the legitimate purpose of government, but to foster and build up, as it is said, and protect the interests and businesses of private individuals. The Government has been constituted an agent, and the powers of government have been used as the machinery and as the engine, not for governmental purposes, but for private ends, for the purpose of building up a few at the expense of the many.

What has been the result? A few have prospered, and as the few have prospered there has arisen a rivalry, not of competition among themselves, but a rivalry to secure more of Government benefit and more of Government protection. More and more the effort has been put forth to induce the Government, through the agency of the taxing power, to place its strong arm beneath the business of this individual and build up his business, and this one has joined with the other to the same end until we have existing in this country a mighty power exerting itself upon legislatures and the instrumentalities of government to run the Government and to use the powers of Government for the upbuilding of the classes at the expense of the masses of the American citizenship. [Applause.]

Let me illustrate with reference to the tariff. The tariff is simply a tax. The collection of tariff duties is simply the exercise of the powers of government to tax. In our State government we have a direct system of taxation. The tax assessor assesses the property, the tax collector collects and gives a receipt, and you know precisely in dollars and cents how much you have paid. Not so in the Federal system, which we call the "tariff." That is an indirect method, one that is hidden away from the observation of the common masses of the people. Nevertheless it is a tax. Let me illustrate. An importer of merchandise comes, we will say, to the port of New York with a cargo of merchandise of any of the manufactured articles that are used and consumed in the commerce and the business of this country. But, for simplicity of illustration, let us say that he comes with a cargo of men's hats. He has purchased those hats in a foreign market at such a price that he can sell them to the American consumer at \$1 each and make a fair and reasonable profit. Immediately that he reaches the port of New York he is met by a customs officer—a tax collector, if you please—who says to him: "Sir, before you can enter the ports of this country and receive the benefits of our market you must first pay upon each hat the sum of 50 cents." I take that as an illustration because it is about the general average of the tariff tax. I imagine that man addresses to him the question: "Sir, why is this; for what purpose?" A Democrat there says to him: "Sir, you propose to receive the benefits of our markets. It is but just and right that you should contribute something, your legitimate proportion toward the payment of taxes and the burdens of government." Every man who hears the statement, I care not what his politics, admits that that is a just statement. But a Republican standing there says: "No, sir; I deny that. I assert that the taxing power of the Government is not to be

used solely for revenue. It is to be exercised for other and different purposes." And very naturally you ask him: "Sir, what are those other and different purposes?" And he says: "For the sake of protection." And you ask: "What do you mean by protection?" He says to you that "Over here in New Jersey, or New York, or Pennsylvania, or South Carolina, or Tennessee, or Texas, or any of the States of this Union, we have certain of our citizens that are engaged in the manufacture of hats." We will say, for simplicity of illustration, that Jones & Smith are engaged in the manufacture of hats. They are not willing to sell their hats to the American consumer at \$1 each and be satisfied with the profit that would arise at that figure. In order to enable Jones & Smith to sell their hats to the American consumer at \$1.50 the Government levies a tax of 50 cents upon the hat of the importer in order to increase its cost and force him to sell to the American people at one dollar and a half, in order to enable Jones & Smith to sell at one dollar and a half.

Now, bear in mind that the 50 cents that is levied upon the hat of the importer goes into the Treasury, but the 50 cents upon the hat of Jones & Smith does not go into the Treasury, but they put it into their pockets. Now, what are the statistics? They show that for every dollar of imported merchandise upon which the Government receives the tariff tax there are, at the lowest estimate, \$10 upon which the Government receives no tax, but upon which the tribute money goes into the pockets of these private individuals.

Now, you will permit this illustration, simple as it may seem, to extend and enlarge, so as to embrace all of the manufactured products of this country. Our wearing apparel, our household goods, our farm machinery, railroad equipment, and everything that enters into the consumption of the American people, and you have some idea of the enormity of this question and of its vital importance to the American people. Then it is that you begin to realize and properly appreciate how it is that the Government of the United States has been using the taxing power of the Government to levy tribute upon the private citizens of the United States, upon the labor and the toil and the production of the American people, and this tribute has been emptied into the coffers of these favored and protected classes to build up these enormous fortunes of which the President complains.

You perceive at once that if you place the tax at 50 cents Jones & Smith make 50 cents. If you place it at 25 cents, they only make 25 cents. If you place it at 75 cents, they make 75 cents upon each hat. And thus it is, my friends, as we slide up and down this tariff tax, we see enough to illustrate and to demonstrate how it is that the Government of the United States, through the exercise of the taxing power, levies a contribution upon the labor, toll, and production of the masses of American citizenship and empties it as tribute money into the tills of this favored and protected class.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. PADGETT. Yes, sir.

Mr. GOULDEN. Is it not a claim made by our friends on the other side that it is necessary to have this protective tariff in order to build up the infant industries of the country? Will you tell the House something about these infant industries that have been so long growing out of their swaddling clothes and that still seem to need the nursing bottle?

Mr. PADGETT. I am just coming to that. The first tariff that was levied at the formation of the Government of the United States declared upon its face that it was for the purpose of protecting American industry; and yet the average tax upon duties collected upon imports was less than 10 per cent. Yet with more than \$9,000,000,000—nine thousand eight hundred millions of dollars, if you please—according to the census of 1900, invested in the manufactures of the United States, and with all the capital and all the wealth of the country, the average tariff tax on dutiable goods was 49 per cent in the year 1900 by the Federal statistics. The infant in 1790 received a protection of less than 10 per cent, and this giant of whom we are complaining, and of whom the President is complaining in this speech that I quoted, is receiving a protection of 49 per cent in 1900. If you please, I desire to call your attention to another fact.

Mr. JOHNSON. Will my friend from Tennessee yield a moment?

Mr. PADGETT. Certainly.

Mr. JOHNSON. I do not like to disturb the gentleman, but I should like if my friend during the course of his argument would tell us just where free trade ends and protection begins. I have noticed a great many gentlemen on the other side of the House talking about free trade when we are discussing rates far in excess of any that Mr. Clay or Mr. Morrill and the original protectionists ever dreamed of.

Mr. PADGETT. The gentleman will excuse me if I fail to follow his invitation to enter into a discussion of the abstract questions of protection and free trade. I do not think that anybody in this country, notwithstanding statements to the contrary, advocates free trade. Everybody is for a tariff. The question is, For what purpose, with what end, shall these tariffs be levied and collected? The question I desire to discuss, and what I am leading up to, is this: The concrete proposition. Are existing conditions, are the tariff taxes that are now being collected justified by the conditions? Should there be a revision of the tariff? I say there should be and that the revision of the tariff is the legitimate remedy for the conditions complained of by the President of the United States in the speech I quoted, and not the confiscation of the estates of the individual citizen. [Applause.]

Mr. WALLACE. Will the gentleman allow me?

Mr. PADGETT. Yes.

Mr. WALLACE. Was not the lowest tariff that this country ever knew in 1792?

Mr. PADGETT. I just referred to that.

Mr. WALLACE. Did you state under what Administration that was?

Mr. PADGETT. That was in Mr. Washington's Administration. Now, if you will pardon me and allow me to proceed without interruption, two theories are advanced as a basis and support for the doctrine of high tariff taxes now existing. It is said, first, that it is necessary to maintain the high standard of wages, and then it is said that it is necessary for the protection of the manufacturer against foreign competition. I desire to address myself to those two questions. I admit that a tariff multiplies riches in the hands of the beneficiaries of the tariff. We have abundant illustration that the wealth of the country has been gathered in tribute from the many, to the building up of these colossal estates that challenge the best thought and the best patriotism of the American people. But is it justified, is it right that this should be continued, upon a theory and a hypothesis that is not correct? I say that these conditions would justify the manufacturer in paying to the laborer a higher wage rate; but I say that as a matter of fact they have not done so, and I wish to use the official figures of the Twelfth Census to demonstrate what I say, that the wage-earners of this country have not received a fair and a legitimate share or per cent of the production of their labor.

Now, let me call your attention, if you please, to the abstract of the Twelfth Census of the United States, which I hold in my hand, and, first, to table 152, on page 300 of the Abstract. It is there shown that the number of manufacturing establishments in the United States in 1900 was 640,056. The capital invested is given \$9,858,205,501. The proprietors and firm members numbered 708,623. The wage-earners were 5,370,814. The total wages paid amounted to \$2,323,055,634; miscellaneous expenses, \$1,030,110,125; cost of materials purchased in the raw state and in a partially manufactured condition, and freight, fuel, etc., amounted to \$7,363,132,083. The value of the product was \$13,058,562,917. Now, what do we get? What per cent of profit to the manufacturer, after deducting the wages paid and the cost of material, miscellaneous expenses, and freight? It left him a clear annual profit of 23½ per cent. The per cent of wages paid was 17.78.

Now, you hear it said very often that the labor cost of manufactured articles is anywhere from 50 to 80 per cent of the cost of the article. Yet, here are the figures of the census, that any school boy can take and figure out for himself. Taking the more than 600,000 manufacturing establishments, their total cost in wages, the total value of the wage product, and the per cent received by the laborer is only 17.78, or, in round numbers, 17½ per cent. I also call attention, on the same page, to table 153, that gives a comparison between 1900 and 1890; and I desire to call your attention to the fact that in 1900, after deducting for these items and the additional cost of salaries paid to employees in addition to wages paid, the net profit was 19.37 per cent and the wages were 17.88 per cent. In 1890 the profit was 19.89 per cent, and the wages paid in 1890 were 20.17 per cent. In other words, the wage-earners in 1890 were paid a larger per cent of the value of their productions than they were in 1900, while the manufacturer received an increase in profits.

Now, if you will turn to page 302 of the Abstract of the Twelfth Census, you will find a number of pages where there are given the various manufacturing industries of the country, beginning with agricultural implements, ammunition, baking and yeast powders, bicycle and tricycle repairing, boot and shoe factories, and all the manufacturing industries of the country. The capital invested, the value of the product, the cost of the materials, and all these items are set out here. I have taken

a few of these for the purpose of calling your attention to some comparisons.

Let us take agricultural implements. In 1890 the wage per cent paid to the wage-earner was 22.27. In 1900 it was 22.18 per cent, a slight decrease.

The profit in 1890 to the manufacturer was 21.71 per cent. In 1900 the manufacturer's profit had risen to 22.7 per cent. You note that the wage per cent fell off and the profit increased. Take baking and yeast powder. In 1890 the wage per cent was 7.75 per cent. In 1900 it was 4.92 per cent. Take the profit, if you please, in 1890, and it was 71.31 per cent. In 1900 it was 80.65 per cent. And here we have the baking and yeast powder manufacturing industries of the country that are getting profits ranging from 71 per cent to 80 per cent annually upon the capital invested that in 1900 was paying their wage-earners 4.92 per cent of what they produced. What a shame. What a travesty on justice.

I submit to any fair-minded man the solemn question whether the wage-earners in that industry received a legitimate share of the profits produced by their labor. No honest man can say they did.

Let us pass to some others, if you please—and I have taken them at random. Take shipbuilding. In 1890 the wage per cent was 34.43. In 1900 the wage per cent was 31.83. It had fallen off 3 per cent. The profits in 1890 were 16.7 per cent. In 1900 it was 20.99 per cent, or had gone up nearly 5 per cent in profit. Manufacturers' profits increased; percentage of the wage-earners decreased.

Now, here is one that will shock the integrity and the intelligence of every honest man. We have heard a good deal said about tobacco and the tobacco trust. Here are some figures. I have transcribed them here because they do not make the light as good now as they used to, and I can see these a little better. In 1890 the wage per cent in the tobacco industry was 10.55 per cent. In 1900 the wage per cent was 6.85, a decline from 10 per cent to 6 per cent. In 1890 the profit per cent was 96.66. In 1900 the profit was 140.47 per cent upon the capital invested, and the tariff duty was 111.84 per cent. I have the official documents here to exhibit and to give the page and the very place upon which the figures are given.

I submit to you, my countrymen, is it fair, is it just, is it honorable, is it patriotic, that the tariff duty should be maintained at such an exorbitant rate for the protection of any industry that has received an annual profit of 140 per cent upon its capital invested and is paying its laborers 6.85 per cent of the value of the products which they produce?

Take these figures home with you and consider them as you sit alone with your conscience and your God. And yet they say there is no occasion, no necessity, for revising the tariff, and that this tariff tax ought to be maintained in order to enable the industry to continue to exist, and to enable the manufacturer to continue to pay to his wage-earners the wages which they are now receiving.

Let me call your attention to another industry. Take hosiery and knit goods. In 1890 the wage per cent was 24.65. In 1900 it was 25.51 per cent. In 1890 the net profit was 29.02 per cent; in 1900 it was 24.48 per cent. Iron and steel—in 1890 the wage per cent was 18.32. In 1900 it was 15.02 per cent.

In 1890 the per cent of profits was 17.49 and in 1900 the profit per cent was 28.3, an increase of the per cent of profits from 17 to 28 and a decrease of wage per cent from 18 to 15.

And you may take the list through and through—they are all given here—and you will find the same comparative and relative proportion of the increase of profit to the manufacturer and a decrease in the percentage of the wage-earners' share on the product of his labor.

Mr. GOULDEN. Does not this account in a large measure for the fact that you can take four of the leading financial magnates in this country, namely, the heads of the steel, the coal and coke, tobacco, and beef trusts, and their combined wealth exceeds two thousand million dollars, all made within the past forty years?

Mr. PADGETT. I have already said that this use of the taxing power of the Government to levy tribute upon the toil and the labor and the production of the masses of American citizenship, to empty them into the coffers of the favored classes, is the proof of the cause of these colossal fortunes that threaten American institutions. [Applause.]

I now wish to call attention to the boot and shoe factory products. In 1890 the wage per cent was 27.49; in 1900 the wage per cent had gone down to 22.69. In 1890 the profit per cent was 43.12, and in 1900 it was 31.68. There is an exception to the rule as laid down here by these figures to which I have called attention. There was a decrease in profits during the decade in that particular instance. Let us now take men's

clothing. In 1890 the wage per cent was 23.22; in 1900 the wage per cent was 19.12. The profit per cent in 1890 was 60.74, and in 1900 it had gone up to 79.80. Yet the tariff duty was 75 per cent upon men's clothing; and they say, in the light of these figures—and they are the figures of the Census Department of the United States taken only as samples—that it is necessary to maintain this tariff-tax condition in order to enable the wage-earners of this country to receive their present wage scale. To-day we have the highest tariff tax that was ever known in the history of the American people, and in 1890, by the Census of the United States, the wage-earners were receiving a higher per cent of the products of labor than they were receiving in 1900.

Let me call your attention to another phase of the question as the tariff relates to the wages of laborers and what the census and the statistics of the Bureau of Statistics show:

In the year 1905 the average ad valorem rate of duty collected upon dutiable goods was 45.24 per cent. The effect of the duty is to increase the cost of the article to the consumer an amount equal to the duty, and it has a similar effect upon the cost price to the consumer of goods of domestic manufacture of like character. The very object and purpose of levying a protective tariff duty upon foreign imports is to increase the selling price of similar goods of domestic manufacture. So that generally speaking the average cost price to the consumer upon both domestic and import goods included this average tariff duty of 45 per cent. So that on the general average in the purchase of each dollar's worth of such goods there was included 31 cents as tax if imported goods, or tribute if domestic manufacture, and 69 cents represents the actual cost value of the article. I have already called attention to the fact that the laborer only receives 17.78 per cent of the value of the product of his labor, as shown by the census figures before referred to. So that the wage-earner only receives the benefit of 17.78 per cent of the 31 cents, or 5½ cents, while the manufacturer receives 25½ cents of the 31 cents. In the light of the above figures it is not difficult to tell who is receiving the great bulk of the benefits of the present high tariff duties, nor is it more difficult to explain and understand the cause and the reason for the piling up of "those fortunes swollen beyond all healthy limits." Nor is it difficult to discern that this clamor for the maintenance of these excessive tariff rates is not really in the interest of the wage-earners.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I had intended to discuss our foreign trade and to show by figures even brought up to April 30 last, that our trade conditions were such that we were competing with the foreigners at their own door, and if we can carry in the last six years and ten months more than three thousand millions of dollars of our products and pay the freight charges and the cost of handling abroad and sell them in competition at the door of the foreign manufacturer, certainly here at our own door we can compete with him without this artificial stimulus that is piling up these enormous fortunes. But I must forego that matter and content myself with extending my remarks in the Record.

Mr. Chairman, I submit herewith a statement of the amount of the exports of domestic manufactures for the years 1900 to April 30, 1906, and also a statement showing some of the various articles and the value thereof exported during the year 1905, and from this statement it is apparent to every fair-minded man that our export trade is not a mere incident; it is not simply the sale or disposition of our surplus products or shopworn goods, but it is a substantive and distinctive business of American enterprise in which we all feel a just measure of pride. These goods are transported to and sold in all the countries of the earth. Freight charges and additional costs for handling are paid, and yet these goods are sold in Europe and Asia at the very doors of foreign competitors in competition with the foreign markets and foreign conditions and foreign labor. It is idle to say that this enormous business is not conducted at a profit. Because the very fact of its increase from year to year shows that it is a profitable trade which our manufacturers are seeking and cultivating and they should do so, and their efforts have my sympathy and commendation.

It is claimed that the foreign markets are cheaper than our home markets; that foreign goods can be and are sold cheaper than American goods, and that for this reason American manufacturers can not compete with foreign manufacturers; and that the present excessively high schedule of tariff duties must be maintained to enable our home manufacturers to main-

tain themselves. Mr. Chairman, I submit these figures as a complete answer and refutation of that contention. If we can transport this enormous amount of manufactured goods to Europe and sell them successfully at a profit in competition with European products, why can not we sell the same goods to the American people at the same profit here at home and make, in addition, the freight charges and other costs of handling abroad? These figures successfully dispute and overturn the necessity for charging American consumers a higher price for products than are charged to foreigners. Mr. Chairman, I feel a deep and abiding interest in the welfare and prosperity of the American people and in the development of its civilization and the promotion of the welfare of its citizenship. I fully appreciate the enormity of the evils springing up in our country, as evidenced by these abnormal and excessive fortunes caused by and superinduced by the perversion of the functions of government and the creation of the artificial conditions whereby legislation levies tribute upon the toil and production and consumption of the many to concentrate wealth in the hands of the few. The statistics I refer to are as follows:

| Exports of domestic manufactures. | |
|-----------------------------------|---------------|
| 1900 | \$433,851,756 |
| 1901 | 410,332,524 |
| 1902 | 403,641,401 |
| 1903 | 407,526,159 |
| 1904 | 452,415,921 |
| 1905 | 543,607,975 |
| 1906 (to April 30) | 494,774,806 |
| | 3,146,750,542 |
| 1905. | |
| Agricultural implements | \$20,721,741 |
| Books, maps, etc. | 4,844,160 |
| Brass, and manufactures of | 3,025,764 |
| Cars, carriages, and parts of | 10,610,437 |
| Chemicals, drugs, dyes, etc. | 14,450,490 |
| Clocks, watches, and parts of | 2,316,414 |
| Copper, and manufactures of | 86,225,291 |
| Cotton manufactures | 49,686,080 |
| Iron and steel manufactures | 134,728,363 |
| Leather, and manufactures of | 37,936,745 |
| Oils, mineral, refined | 73,433,787 |
| Paper, and manufactures of | 8,238,088 |
| Tobacco manufactures | 5,690,203 |

Mr. Chairman, this is a great country of ours. We are proud of it. It is vast in its territory, extending from ocean to ocean and from Gulf to lake. We look over the scope and breadth of it and we feel in the grandeur of our citizenship that no pent-up Utica contracts our powers. We look over it, and we see the great mountain that lifts its head into the very blue of heaven, and we say, how grand is the mountain. We see the valley outstretched, with its landscapes of flowing streams and field and farm and flower, and we say, how beautiful are the valleys. We gather from the mountain side and from the valley the flowers and inhale their fragrance, and we say, how sweet are the flowers. Let us not forget, Mr. Chairman, manhood is grander than the mountains, womanhood is more beautiful than the valleys, and patriotism is sweeter than the fragrance of the flowers. [Applause on the Democratic side.]

Mr. SPARKMAN. Mr. Chairman, I rise for the purpose of discussing bill H. R. 5281, introduced early in this session by the gentleman from Maine [Mr. LITTLEFIELD], entitled "A bill to remove discriminating duties against American sailing vessels in the coastwise trade." Although this bill may not be reached, and should not be considered at this or any other session of Congress, I think in view of its vicious character I can not do better than to use the time allotted me in discussing some of its features.

This bill, Mr. Chairman, is one of the most unjust measures ever introduced into this body. It is unjust alike to every interest concerned. To the shipping interests because it will deprive them of the aid of the splendid pilot systems at many, if not all, of the ports to be affected by it in our South Atlantic and Gulf States, from Virginia to Texas, inclusive, without furnishing an adequate system to take its place. To the pilots because in destroying their business it will rob them of the means of support for themselves and their families, besides taking from them or rendering useless—which is the same thing—the property and costly plants, accumulated by them as a result of years of economy and saving for the carrying on of their business, without giving to them just compensation therefor. To the States to be affected because the laws of Congress and the necessities of their commerce will continue upon them the burden of providing efficient pilots for both the domestic and foreign ships that seek their harbors, while this bill would deprive them of the usual means of so doing. That these would be the results no one at all familiar with the conditions surrounding the various pilot systems in the States mentioned will for one moment doubt.

The whole bill is objectionable, Mr. Chairman, but I wish to

call attention especially to sections 1 and 2, amending sections 4412 and 4444 of the Revised Statutes of the United States.

Section 1, among other things, provides that—

Whenever the master or mate of a sailing vessel of the United States employed in the coastwise trade, claiming to be a skillful pilot, offers himself for a license, the inspectors (meaning the inspectors of hulls and boilers) shall make diligent inquiry as to his character and merits, and if satisfied from personal examination of the applicant, with the proof that he offers, that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any vessel within the limits prescribed in the license.

Section 2 provides, in substance, that no State or municipal government shall impose upon any such pilot any obligation to procure a State or other license in addition to that so issued by the inspectors, or any other regulation which will impede such pilot in the performance of his duties; and further prohibits the levying of any pilot charges by any State or municipal government on any vessel piloted by anyone holding such inspector's license, or upon any vessel so engaged in the coastwise trade, being towed into or out of any port of the United States by a vessel under command of a pilot licensed as provided for in said bill.

It will thus be seen that the bill proposes to create pilots out of the masters and mates of coastwise sailing vessels at the option of such masters and mates and the inspectors of hulls and boilers, and to substitute them for the local pilots by prohibiting, as it does, the enforcement of any State or municipal requirement to take or pay for a State pilot by any coastwise vessel piloted by a captain or mate, or towed by any boat under the command of a pilot, so licensed, which, as I shall show presently, will practically put the pilots at a large majority, if not all, the ports in the States mentioned, out of business.

Mr. Chairman, I shall take but little time in showing the importance of an efficient pilot system to our maritime commerce at each port in this country. Indeed I should consume no time at all in such an effort but for the suggestion made by the mere introduction of this bill here that its advocates and friends do not consider such a system as longer worthy of consideration or of preservation.

But, sir, the experience of the world condemns such an idea. For hundreds of years the pilot has been considered an important adjunct to maritime commerce. In fact, the system had its origin in the necessities of the sailing vessel when the demands of commerce for the first time sent her from her own harbor to distant lands and unfamiliar waters for the purpose of distributing the products of earth to the consumer; and from then until now the skill of the local pilot has been considered necessary, at least to the sailing ship, entering or leaving a port.

The Supreme Court of the United States, presided over by the ablest and most enlightened men produced by our civilization, said in the case of *Ex parte McNeil* (13 Wall.) that "the pilot is as much a part of the merchant marine as the hull of the ship or the helm by which it is guided;" and the learned justices might well have added "as indispensable to the successful voyage as either," for if dangers are found in the dashing billows, and the hurricanes sweep far out at sea, perils also lurk in the hidden rock and the shifting sands near the coast. The trained pilot may only be trusted to guard against the one, while the skilled navigator can alone cope with the other. Men are trained for both positions, and may, indeed must, have a general knowledge of the duties of both, but neither is necessarily skilled in all the duties of the other. The navigator is trained aboard the ship and at sea; the pilot mostly in the harbor and on the bar where he is expected to follow his vocation. At least that is the way it should be, and as it is under the systems in all the maritime States of this country. Under them the pilot is controlled by the States, or rather I should say by local boards created by State legislation, and composed of men living in the communities immediately bordering on the harbor to be served by the pilot, and who are hence familiar with all the necessities of such harbor. This has ever been the practice of the maritime world, and rightfully so, too, as all pilot matters can be much better controlled by the localities nearest a given harbor or bar than by an authority remote from such pilotage grounds.

The Supreme Court of the United States in discussing this very feature of pilotage says:

It is local, and not national, and it is likely to be best provided for, not by one system or plan of regulation, but by as many as the legislative discretion of the several States deem applicable to the local peculiarities of the ports within their limits.

The conditions, Mr. Chairman, at no two harbors are the same, and especially is this true of the harbors in the section of the country to which it is intended this bill shall apply. The harbor at Tampa and that at Pensacola are not alike, but are essentially different as to conditions, and the same is true of Key West and Jacksonville, as it is of all the other harbors in

that section. Courses and distances, currents and channels, the bars and the banks are different. In many the bottoms are constantly changing, a bar perhaps forming to-day where none existed yesterday, currents setting in one direction now and in another a little later, requiring constant and daily watching on the part of the pilot in order to be fitted to conduct the ship safely over the bar and through the harbor.

Now, sir, the States in their control of pilotage undertake to guard against these dangers. Under the present State systems a pilot must serve a long apprenticeship, from four to eight years, not on a dozen, or even two bars, but on the one bar upon which he is to become a pilot, studying its conditions, its currents, the nature of the bottom, taking soundings, piloting vessels, familiarizing himself with courses and distances, and in the meantime must go to sea, spending several months upon a sailing vessel, until he shall have thoroughly learned how to handle all classes of ships. Then he is examined by a local board of pilot commissioners or port wardens, at least one of whom usually is an expert pilot for that particular bar. Having been thus examined and found competent by this expert board, he is given a license to pilot alone on that bar and no other, and there he must live and work to the day of his death, unless he leaves the business or in like manner qualifies himself to pilot in some other port.

That, sir, is what the States require for the safety of life and property. What does this bill propose to give us? Why, sir, under its provisions the pilot need never have seen the harbor, or to have taken a ship across its bar, nor is he required to possess any of the qualifications of a pilot except such as he may have gathered as a seaman. All that is necessary under the provisions of this bill for the creation of a full-fledged pilot is for the captain or mate of a coastwise sailing vessel to appear before the inspectors of hulls and boilers anywhere in the country, maybe hundreds—yes, thousands—of miles away from a particular harbor in which he may wish to act as a pilot, and knowing nothing, perhaps, about its condition or of the requisite qualifications of a pilot there, claim to be a skillful pilot, and offer himself for a license, when it shall become the duty of these same inspectors to examine his proof, and, if they are satisfied from such personal examination that he is qualified, to grant him a license to pilot within the limits mentioned in the license, which might embrace not only that one harbor, but the whole Atlantic and Gulf coasts as well.

And this, Mr. Chairman, is the system that is to take the place of that now in existence in the States south of the Potomac, and under which our commerce has been built up to its present respectable proportions.

Why, sir, it is absurd on its face. The blind is to give sight, ignorance to lend wisdom, a nonprofessional is to create a professional, a nonexpert an expert.

Another feature of the State system—one, too, of transcendent importance—is that known as "compulsory" pilotage. I say "transcendent importance" because no system of pilotage could exist, nor could maritime commerce be carried on, without it. There is not a commercial nation of the world to-day of any consequence whose pilotage system does not contain this feature in some shape or other, either in the matter of employing a pilot or, which is practically the same thing, in the payment of his fees when he is prepared to render and tenders his services, whether they are accepted or not. The purpose of this requirement is to guard against the results of cupidity and greed by putting a check upon the gambling instinct, for without compulsion masters of vessels, in order to save pilotage fees, will often take dangerous risks in entering and leaving a harbor without a pilot.

Then, again, there is no greater objection to compulsory pilotage than to many other burdens in the nature of taxation which we have to bear in order that government may live and be effective in the protection of life and property. The citizen often has to pay for instrumentalities of government from which he reaps no direct benefit. A police force, for instance, is a feature of every municipality, though everyone does not need a policeman. Public schools are established throughout the land, yet all persons taxed for their support may not patronize them. On this same principle, among others, compulsory pilotage is justifiable; indeed, is justified. It is no objection to say that this individual or that, this vessel or the other, does not need the aid of a pilot. There are vessels which do need them, and the importance of the commerce is such as to justify the tax on all in order that trained pilots may be at hand when needed.

I for one believe that a sound policy, based upon the idea of protecting life as well as property, would require every vessel when on pilot grounds, whether entering or leaving a harbor, to take a pilot, and if she should not, pay pilotage fees in any event. As before stated, it is the only way to keep up the sys-

tem, and the system must be maintained if commerce is to grow and flourish.

Now, the Supreme Court of the United States has also lent its indorsement to this system in the strongest kind of language, for in the case of the *China*, reported in 7 Wallace, and decided nearly forty years ago, Justice Swayne, speaking with reference to and construing that part of the pilot laws of the State of New York which provided for what is known as "compulsory pilotage," said:

It is necessary that both inward and outward bound vessels of the classes designated in the statute should have pilots possessing full knowledge of the pilot grounds over which they are to be conducted. The statute seeks to supply this want and to prevent, as far as possible, the evils likely to follow from ignorance or mistake as to the qualifications of those to be employed, by providing a body of trained and skillful seamen, at all times ready for the service, holding out to them sufficient inducements to prepare themselves for the discharge of their duties and to pursue a business attended with so much of peril and hardship. The services of the pilot are as much for the benefit of the vessel and cargo as those of the captain and crew.

And this, sir, is our system to-day, a system which prevails in the States affected by this bill, a system the result of hundreds of years of experience, during which the marine vessel has developed and grown from the small sailing boat that scarcely ventured out of the harbor where it was launched to the proud ships of to-day, sailing every sea and conveying the products of earth to every nation and people.

The system was held in such great favor by the fathers of the Republic that in the very first session of the First Congress, under the present Constitution, the Members of that body, with many weighty problems pressing upon them for solution, yet found time in the midst of their labors and perplexities to deal with this great question, enacting, among other things pertaining to our maritime commerce, the following:

Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be or with such laws as the States may respectively enact for the purpose.

This they did, though under the Constitution they might have taken full control of the entire system.

Now, that instrument had been framed, perhaps, with never a thought by its authors that pilots were embraced within its commerce clause. But the statesmen of that day—than whom no abler or patriotic have lived in any age or country—wisely left the matter with the States, thus placing the seal of their approval upon State management and local control, where it has remained, with one exception, ever since. That exception was an act of Congress in 1871, which relieved coastwise steam vessels from compulsory pilotage.

This action, Mr. Chairman, may not have been wise. It has been criticised by many, but I shall not stop to discuss its wisdom. Still, there were reasons for the action, whatever their merits, sufficient for the legislators of that day. Steamboat navigation, unknown and unthought of when the act of 1789 was passed, but introduced more than a quarter of a century afterwards, had grown to considerable proportions by 1871, and Congress, in passing the act referred to, was actuated mainly, no doubt, by the thought that the greater ease with which steam vessels could be handled in all kinds of weather, in deep as well as shoal water, making them independent of winds and waves and currents, rendered the service of a local pilot in many instances comparatively unimportant, while the greater relative cost of operating them made it advisable, in the opinion of many, to release them from pilot charges, except when the pilot's services were accepted by the master of the vessel. Moreover, Congress no doubt considered that the local pilot systems could be kept up to a high degree of efficiency by coastwise sailing vessels and foreign shipping combined, and that coastwise steam vessels might well be exempt from the compulsory features of the State laws, the main thought being, no doubt, to equalize more nearly the conditions in the matter of operating expenses between the two classes of boats—sail and steam—with as little interference as possible with the system in the various States. And very little damage, Mr. Chairman, has been done to the pilots by that slight innovation, as coastwise and foreign shipping have been found sufficient to keep up the system to that degree of efficiency demanded by commerce.

But this measure, Mr. Chairman, if passed will interfere very seriously with the efficiency of those systems. It is proposed in this bill to take that step which the statesmen in 1789 would not take, and which those in 1871 did not and would not have dared to take in view of the results which they knew too well would follow. They knew, and I repeat that everyone acquainted with the facts knows, that the passage of this bill will

destroy the pilot systems at a majority of the ports in the Southern States, and seriously cripple them at all the others.

Mr. GOULDEN. Will the gentleman allow me an interruption?

Mr. SPARKMAN. Certainly.

Mr. GOULDEN. Would it be possible to maintain an efficient pilotage system in the Southern States, the South Atlantic and Gulf ports without a State compulsory pilotage?

Mr. SPARKMAN. It would not, Mr. Chairman.

Mr. GOULDEN. May I say to the gentleman that as a member of the Committee on Merchant Marine and Fisheries who investigated this matter thoroughly, that that was the testimony adduced here before that committee during the last three years.

Mr. SPARKMAN. Now, Mr. Chairman, the pilots in these States are supported by coastwise sailing vessels and foreign shipping. I have taken some pains to ascertain the amounts received at these ports from the former source, and find the average, from the best information I can obtain, to be about two-thirds of the whole. So that the effect of the passage of this bill will be to cut off 66⅔ per cent of the earnings of these pilots. Can anyone suppose that they can live on this? Why, sir, at the very best the expenses are from one-fourth to one-third of the earnings, while at some they amount to much more. So that the entire gross income at these places would be taken for expenses and nothing left. If it should be answered that at some of the ports the pilotage receipts from foreign shipping are more than one-third, I reply that at a large majority of them their earnings from that source are much less, and at those the pilots would not be able to pay even operating expenses, to say nothing of a living for themselves and their families.

The conclusion, then, is justified that nothing but disaster to the State pilot systems can follow the passage of this bill unless the States affected and on whose shoulders the burden, under the laws of the United States, would still rest of keeping them up, should resort to some other method of taxation than that of collecting pilot fees for their support, and I ask this House if it is right for Congress to force a tax or burden upon one State or one group of States not borne by all, as would be the case in the South Atlantic and Gulf States if this bill should become a law?

Now, Mr. Speaker, what is the excuse for this ruthless attack upon the pilot system of the South? The title of the bill says it is to remove discrimination against coastwise sailing vessels. Reference is here no doubt made to the exemptions just referred to of coastwise steamboats from compulsory pilotage. But, sir, there is no unjust discrimination, as the small expense of running a sailing vessel when compared with the much larger cost of operating the steamboat puts the former more nearly upon an equality with the latter. Indeed, if there is any difference, the discrimination is against the steamboat, the operation of which costs some eight or ten times more for a vessel of a given tonnage than a sailing vessel of the same tonnage. True, the former can make more trips during a year, but this difference in speed does not compensate for the greater expense of running her. And it is a fact easy of proof that the net earnings of the sailing vessel are for this reason among others much greater than those of the steamboat. In fact, I doubt if there is any water craft in the world that pays as well as the American coastwise sailing vessel.

True, some of the advocates of this bill say that it is otherwise. But the facts show the hollowness of their claim. For instance, I read in the hearings before the Committee on Merchant Marine and Fisheries on this bill, held in January of this year, a statement made by Mr. Pendleton, a majority owner in more than 100 coastwise sailing vessels plying in the South Atlantic and Gulf waters, his vessels being of comparatively light draft, who as a lobbyist has been here for years pressing the passage of this bill, and who has done more to inspire and foster whatever sentiment there may be for its passage than all others. In his statement, to be found on page 11 of the testimony then given, he boldly asserts:

That there is not a vessel on the Atlantic coast of the United States in the coastwise trade which has run up against these pilot charges—

Meaning those in the South Atlantic and Gulf ports—

that has paid interest and insurance for the past ten years.

And further, that if there were one he would not ask for the passage of this bill.

Then, Mr. Chairman, he should have his bill withdrawn, fold his tent, and silently steal away from these corridors and galleries, for I am going to call attention to one coastwise sailing-vessel owner who says his vessels pay, and that quite handsomely.

I hold in my hand a booklet gotten up for another purpose—

by no means in the interest of this measure or that of the pilot—in which the writer, a schooner owner of Massachusetts, I believe, takes anything but a pessimistic view of the present conditions and future prospects of the coastwise trade, and especially of sailing-vessel owners. The booklet is entitled "The Coastwise Trade," and the leading article is headed "A new era in the coastwise trade." The book is prepared by and for the Gilbert Transportation Company. I will read from this article a few choice extracts. Listen!

The coastwise trade has always been a source of pride and of wealth to New England. The sailing vessels which have been built in her shipyards and have been outfitted at her ports have widely extended her commerce, have furnished profitable employment for the hardy and adventurous sea folk of her coasts, and have made the fortunes of many of her oldest and wealthiest families.

The coastwise trade is to-day making fortunes as it did of yore. It was at one time thought that the sailing vessel would be entirely superseded by the steamship; but the course of events has demonstrated that this was a mistaken surmise. Great as has been the development of steamboat traffic, it has not by any means entirely displaced the sailing vessel. This is especially true in regard to the coastwise trade. Experience has shown that in this trade there is a class of traffic which can be and always will be more profitably carried on by sailing vessels than by steamships. To handle this class of transportation the demand for the sailing vessel is rapidly increasing.

Then the writer, after referring in glowing terms to the business of the Gilbert Transportation Company, which is the owner of quite a number of coastwise sailing vessels, says:

The Gilbert Transportation Company devotes its attention almost exclusively to the southern lumber trade and the West India trade.

From the southern ports of the United States the company's vessels bring to the northern ports yellow-pine lumber and phosphate rock, taking to the South return cargoes of northern merchandise.

The company's vessels are specially constructed for the economical handling of lumber. Steamships can not handle this freight nearly as cheaply and can never profitably compete with the company's class of schooners in this traffic. The shallowness of the water in the southern ports and rivers and in some of the smaller northern ports demands vessels of light draft, such as the company's fleet; and on this account there is no possibility of competition from the larger class of sailing vessels.

And a little further on he furnishes a statement of the earnings of some of the vessels belonging to his fleet. Again listen to what he says:

The *Belle O'Neil* in twelve months made seven trips; net earnings, \$2,908; cost of vessel, \$14,000; annual percentage of earnings on cost, 21 per cent.

The *John Bergen* in twelve months made seven trips; net earnings, \$4,200; cost of vessel, \$15,000; annual percentage of earnings on cost, 28 per cent.

The *Glad Tidings* in four months made two trips; net earnings, \$1,100; cost of vessel, \$14,000; annual percentage of earnings on cost, 24 per cent.

The *Catherine M. Manahan* in seven months made four trips; net earnings, \$4,000; cost of vessel, \$15,000; annual percentage of earnings on cost, 15½ per cent.

The *Winifred A. Foran* in two months made one trip; net earnings, \$700; cost of vessel, \$17,000; annual percentage of earnings on cost, 25 per cent.

The *Marion E. Rockhill* in two months made one trip; net earnings, \$300; cost of vessel, \$4,500; annual percentage of earnings on cost, 38 per cent.

It will be observed that the average annual net earnings of these vessels was 25 per cent.

Members will also note that this enterprising firm finds the waters in the southern ports shallow, and that, too, notwithstanding the Government's aid in deepening the harbors and rivers in that section.

Mr. Pendleton also makes another effort to sustain his contention that the pilot systems of the south are unjust by citing one or two cases, not typical, you may be sure, but extreme ones, selected as being most favorable to his contention.

At the hearing before the Committee on Merchant Marine and Fisheries on a similar bill in the Fifty-eighth Congress, a little more than a year ago, he referred to the experience of one of his vessels, the *John R. Bergen*, on a voyage from Norfolk to Charleston and return, a comparatively short run, which he said only paid him on the down trip \$97.06, after deducting pilot charges in and out of each place, which altogether were \$270.40. The vessel, according to his figures, carried about 800 tons of freight, and he sent her down because, being at Norfolk, he did not wish her to be idle—quite a commendable spirit. But he also had a return cargo, on which he received \$1.85 per ton, or \$1,480, and after the pilotage was all paid the net amount must have been at least \$900 or \$1,000 for the round trip. Assuming, then, that on this short run he could have made twelve trips a year—not an unreasonable assumption when we consider Mr. Pendleton's enterprising spirit—the annual net earnings would have been ten or twelve thousand dollars, a neat sum when we consider that Mr. Pendleton's vessels only cost on an average, so I am advised, not more than \$20,000 or \$25,000 each.

Another illustration selected from the experiences of his hundred and odd vessels was the schooner *Laura*, which sailed from New York to Charleston loaded with coal, her gross earn-

ings for the one trip being \$2,246.65, of which he paid in expenses, including pilotage, \$1,934.10, leaving net earnings \$312.55. Now he complains of and emphasizes the alleged pilotage charge of \$143.22, but says nothing of the nature of the other items of expense, amounting to \$1,760, which, however, no doubt included his 5 per cent brokerage, as it is understood that these agents always charge brokerage, even when the agent is the principal owner. But the \$312.55 were the net earnings for the trip one way, and if he did as well in proportion on the return trip as he did with the *Bergen*, as it is reasonable to suppose he did, the upcoast voyage being usually, I am told, the more profitable, he would have received at least \$1,200 for the round trip, which, giving her eight round trips for the year between New York and Charleston, would have netted him \$9,600, in addition to brokerage, which came out of the gross earnings.

Now, Mr. Chairman, if these were his poorest voyages—and they must have been or he would not have selected them—what must he have made out of his more profitable trips? Why, I doubt if any coastwise steam vessels are doing as well, and yet the sailing-vessel interests claim they are unnecessarily discriminated against. Why, sir, the complaint is childish and should not for a moment receive countenance here or elsewhere.

Of course the sailing vessels pay, or they would not be operated. And why, pray, should coastwise vessels not pay, both sail and steam, for they enjoy the greatest monopoly in the world, recognized, protected, and fostered by law? No foreign ship can compete with them, and if under these conditions, conditions by which the American consumer is heavily taxed for the benefit of the coastwise shipowner, he can not make more than a fair return upon his investment, tell me under what circumstances he could prosper?

But advocates of this bill point to an alleged falling off in the construction of sailing vessels in contrast with a marked increase in steamboat building as proof that the southern pilot is crushing the life out of the sailing-vessel business.

Now, in the first place, Mr. Chairman, there has really been no backward movement in sail-vessel construction. The most that can be said is that for the decade ending with 1904 it has been practically at a standstill, with a slight increase for the past year or two. But certainly the small amount paid to the pilots in the southern ports could not in the least degree be responsible for this condition. Other forces have been and are at work, and upon them must rest the responsibility, if responsibility it is, as whatever disparity there may be along that line is a result of an evolution in the merchant marine which no pilot laws can affect or control. Besides, sir, fluctuation in sail-vessel construction has marked the history of that industry from the beginning of our Government till now, and during all these years compulsory pilotage has been in existence in the South, and for a greater part of that period in nearly all the North Atlantic States as well.

So I conclude that there is no undue discrimination against the coastwise sailing vessels resulting from the State or United States pilotage laws. Certainly none that would call for such a radical departure from the policy of the fathers, which we have followed for more than a century.

But, Mr. Chairman, there is a charge lodged against the pilots about which I had as well say a word before passing, as I shall in a moment, to another branch of the subject. We are told that they themselves occasionally discriminate against coastwise sailing vessels, and one or two alleged instances are cited. If these charges be true, which I do not admit, the cases are not typical, and do not justify the condemnation of the whole system. No complaint is made that the States discriminate in their laws or regulations; on the contrary, we may safely assume that these laws and regulations condemn every kind of discrimination. So that all that is necessary is a more rigid enforcement of the State laws, or if legislation is needed the legislatures of the States can certainly be trusted to apply the necessary corrective and will do so if appeals are made to them with one-tenth of the earnestness displayed here in efforts for the passage of this bill.

Mr. WACHTER. May I ask the gentleman a question?

Mr. SPARKMAN. Certainly.

Mr. WACHTER. Is it not a fact that Gulfport, Miss., under the pilotage system which applies, charged an English schooner for pilotage in putting out only \$40 and an American schooner \$130, and is it not a fact the American schooner was libeled and the case is in the courts now?

Mr. SPARKMAN. I will say, Mr. Chairman, I understand there was some such case as that there. This was not an English vessel, however, in the ordinary sense, as the vessel, so I am informed, was owned entirely by Americans, but sailing under the English flag, and since that time the whole thing has

been corrected, and the discrimination, if discrimination it was, is not now being made. I understand the attention of the Mississippi legislature was directed to the matter, investigation made, and a law passed to prevent such acts in the future.

Mr. WACHTER. Will the gentleman state to the House something in regard to the revenue collected by the Norfolk association?

Mr. SPARKMAN. I am willing to do it, but I have not the time. I will say in a general way the pilots of these South Atlantic and Gulf States do not on an average obtain more than \$1,100 a year. I mean their net earnings are not more than that.

Mr. WACHTER. Has the gentleman the figures for the Norfolk Pilotage Association?

Mr. SPARKMAN. I have not the exact figures with me; no, sir.

Mr. GOULDEN. Will the gentleman allow me a word? I want to say that the testimony given before the Committee on Merchant Marine and Fisheries showed there were two ports in which, perhaps, abuses had crept in; at least this was alleged. From Norfolk came a report that the pilots were making small fortunes from the charges made for services rendered. From no other port was there any complaint.

Mr. SPARKMAN. All systems of laws are open to abuse, and perhaps in their enforcement injustice is sometimes done. But that furnishes no reason for their repeal. Laws we have for the protection of human life, but they do not always protect; statutes there are to prevent larceny, and still theft abounds. Yet no one would have the boldness to suggest a repeal of the laws for the protection of life and property because these laws are sometimes violated or not enforced.

Again, the advocates of the measure point to the river and harbor improvements made by the Government as proof that the necessity for the bar and harbor pilots has ceased or been greatly reduced. By reason of these improvements it is claimed that now any ordinary sea captain or mate may with ease safely pilot sailing vessels into any of these harbors.

Never was a greater mistake made. While the harbor channels in many places have been deepened, yet *pari passu* with every increase of channel depth the draft and width of vessels navigating these waters have been increased, so that it is as difficult for many of them to enter these southern harbors now as it was forty years ago, and before any serious attempt was made to improve the rivers and harbors there.

Furthermore, with all the improvements made or to be made—and work at none of these harbors has been completed—the ship, whether sail or steam, domestic or foreign, will always be menaced with the dangers that come from shifting bars and treacherous sands, against which no engineering skill can effectually guard the entering or departing vessel.

Take, for instance, the harbor of Tampa, where I live, and on which the Government has expended quite a large sum of money, deepening the channel some 8 or 9 feet within the past few years. Scarcely a vessel comes there from north of Cape Henry—and there are many of them—but has to be lightered before she can approach the city's docks. And this is true with nearly all the ports in the country, and will continue to be true until the evolution of shipbuilding in the direction of vessels of deeper draft shall have reached a maximum limit.

But, again, it is said local pilots are unnecessary, as the towboats can do the work, and, crude though this measure is, provision is herein made for this class of boats, not by requiring them to have a skilled bar pilot on board, for that would not suit the purposes of this bill, but one of these inspector-created pilots is to do the work. It is a well-known fact, however, that these tugboats can not, even with a skilled pilot, take the place of the pilot at all times, if he can do so at any time. They are not constructed for rough weather, and when the storm comes and the waves run high they will be compelled to seek shelter, while the unfortunate ship with her crew and cargo will be obliged to remain outside and ride out the storm, with the danger of being driven and wrecked upon the shore.

Furthermore, there should always be a skilled bar pilot on the vessel being towed, for a knowledge of the bottom and the currents is essential. Being usually towed in the rear of a towboat, by a long hawser, she is constantly in danger in shoal waters, where the currents are swift of sheering to one side or the other and grounding upon the banks or a recently formed bar. This often happens, and is just what happened to the battle ships *Kearsarge* and *Kentucky* in New York Harbor last January. There was a pilot upon the flagship *Maine*, the leader of the fleet, but none on the *Kearsarge* and *Kentucky*, which were following with a distance of only about 400 yards between each ship. The flagship went out easily, while the other ships mentioned suddenly sheered to one side and grounded, partly because the sailing master, as was found, so it is said by the board

of inquiry, thought the current was setting in one direction when it was actually running in another—a mistake a bar pilot familiar with the harbor, shoals, and currents would not have made.

The *Rhode Island* in May last, also without a bar pilot, grounded on York Spit at the entrance to York River, Va., the sailing master evidently not knowing what a pilot would have known, viz., that the bar was there. A pilot had tendered his services while the ship was outside but the same were refused, the commander thinking, no doubt, he could go in without one. These vessels were all subsequently floated. But think what might have been the consequences if they had not been gotten off, costing as they did many millions of dollars in their construction, to say nothing of their removal as wrecks and the inevitable injury to the channel.

Mr. Chairman, some criticism of the naval officials has been indulged in on account of these and other similar accidents, the claim being that they showed incompetency on the part of those in charge of the vessels. But the trouble is not there, as the naval officers are as highly skilled in the duties rightfully expected of them as any other similar class of experts in the world. The trouble is that they are often expected to perform the duties of a pilot, for which they have no training other than that possessed generally by American sailing masters, which does not enable them to take vessels into our Southern harbors, with their treacherous currents and shifting sands.

Sir, the rules of the Navy Department regarding the taking of pilots by the commanders of naval vessels when entering and leaving a port should be changed. The rule now is to take one when the commander deems it necessary. The idea, of course, is to save pilotage fees, and the rule compels the master to take unnecessary risks in order to save them. I unhesitatingly say that these naval vessels should be required always to take a pilot, except when some special reasons may exist for not doing so.

The present Secretary of the Navy evidently thinks more stringent rules necessary, for in a letter to a Member of this House, written just after the grounding of the *Kearsarge* and *Kentucky* in New York Harbor, in response to a suggestion that legislation should be enacted compelling naval vessels to take pilots when entering and leaving a port, he said that the Department then had under consideration the question of revising the present regulations in this respect.

I have heard of no change, Mr. Chairman, but no doubt the incident referred to, as well as those which have followed, will bring about the desired improvement.

But to return to the towboat, where much of "the milk in the cocoanut" may be found. It is no doubt intended by the interests pushing this bill to use the towboat as one of the instrumentalities for driving the pilot out of business; then to form a towboat trust, which the large cost of these boats, placing them beyond the reach of the pilot or small shipowner, will easily permit. I dare say that even now many of those favoring this legislation are interested in these towboats, and are looking forward to the passage of this bill and the driving out of the pilots to increase their business and the earnings of the towboats.

Now, we are told that the captains of these sailing vessels will take a bar pilot whenever he thinks it necessary. But one trouble, Mr. Chairman, is that he will rarely see the necessity until it is too late. He is not apt to "lock the door until the horse is stolen." The captains and mates licensed at the behest of the owners to act as pilots will do so until their ship is wrecked and the pilot's services are no longer needed. Why, sir, they take all kinds of risks now, if we are to believe the statements made by the friends of this bill.

The distinguished gentleman from Maine [Mr. LITTLEFIELD], who reports this bill himself, says that even now the masters of sailing vessels will often stay outside when a storm is blowing and at great risk and danger to the vessel in order to save pilotage fees, rather than make a harbor where these fees might be collected. If then they assume these great risks, when required as they now are to take a pilot while entering and departing from a port, what will be the result if this requirement is repealed? The same incentive existing now to take unnecessary risks, intensified by the known wishes of the owner that the master shall do his own piloting, will urge him to dispense with the services of the local pilot no matter what the exigencies or the necessities for one may be.

But, sir, the argument that evil should be done that good may come therefrom—that a wholesome law should be repealed so as to remove the tendency to violate it—is novel, to say the least. As well might one favor the destruction of all property in order to remove the temptation to take that which rightfully belongs to another.

Then, again, with the destruction of the pilot systems which this bill will bring about there will be no pilots at many of the ports to engage.

This experiment, Mr. Chairman, of doing away with compulsory pilotage has been tried before. It was tried in New York fifty or more years ago, and while the experiment was being made one of the most disastrous wrecks ever recorded in the history of navigation occurred within the pilot grounds off the Jersey coast. A vessel bound for New York Harbor, loaded with immigrants, approached Sandy Hook. A pilot on the outside tendered his services, which were refused by its captain, and the wreck of his vessel, together with the loss of hundred of lives, was the result of his rashness and cupidity.

This disaster so shocked the public conscience that the legislature of New York at once restored compulsory pilotage, to remove the same on coastwise shipping some years afterwards, as did all the coastwise States north of the Potomac, and as North Carolina has done within the last year and a half at the port of Wilmington. The reasons for this I will note presently. But the action of these various States has been criticised, as it is claimed that the absence of a pilot has been a powerful factor in many marine disasters occurring in their waters. Hundreds of once staunch and costly vessels lie wrecked upon the shores of this part of our coast, and many of them, too, within pilotage grounds, mute but eloquent witnesses of the folly of attempting to enter a port without a skilled pilot.

True, a great many of these disasters may be accounted for by the fact that there is more shipping done north of the Potomac. Many may also be attributed to the "act of God," but certainly the great number on that part of the coast where compulsory pilotage is not required, as compared with the disasters in that section where it is enforced, speaks volumes in favor of the present system and but little for the skill of the masters and mates whom this bill proposes to make pilots. For if they can not keep off the unchanging rocks and shoals, plainly marked on the charts of the North Atlantic, how can they be expected to avoid the ever-shifting bars of the southern ports?

Disasters, too, have recently occurred at the one port south of the Potomac, that at Wilmington, N. C., where compulsory pilotage has been lately abolished by State action. I am told that at that port the grounding of ships is now quite frequent, one of the more recent being a ship belonging to the same Mr. Pendleton who is so strongly advocating the passage of this bill. I am further informed that his ship was libeled for services rendered in extricating her from her perilous position. Certainly these and hundreds of other like instances do not argue much in favor of this legislation.

I have said, Mr. Chairman, that this measure is unjust to the pilots, and so it is. But it is more—it is cruel—for besides the peril to the shipping interest, to life and property, which its passage would entail, it would throw out of employment and upon the cold charities of the world two-thirds of these pilots, together with their wives and children, with no vocation or means of support, many too old and all unfitted to enter other pursuits, and this, too, that a few shipowners, already earning large dividends out of a heavily protected monopoly, may be able to save a few thousand dollars, which they do not need, and which in any event they get back out of the consumer, for it is the consumer, after all, who pays the port charges, as well as the freight upon the articles which he consumes.

But the majority report, evidently recognizing the truth of this, seeks to minimize its force by saying that there are only about 130 pilots after all to be affected. Of course it would be difficult to draw a distinction between a piece of injustice to that number and a larger or smaller number. The wrong is just as great, the injustice quite as censurable, when 130 worthy men, together with their wives and children, are affected as when a greater number is considered.

But, sir, the number given in the report is not correct. There are at least 300 of these pilots altogether who only tax commerce to the extent of about \$1,100 each on an average, or \$330,000 per annum. And it is to save this sum that the advocates of the bill under consideration would perpetrate this great wrong upon the shipping interest of the country, upon the States, and upon the pilots. Three hundred and thirty thousand dollars per annum out of a billion dollars of commerce now carried on at these southern ports! Not one-third of a mill, Mr. Chairman, upon the vast commerce which they serve. Why, sir, is any other business taxed so lightly? There is not a municipality or county or State in the Union where property does not bear a much heavier tax for the protection it receives.

Mr. Chairman, the pilots are not overpaid. No skilled labor charged with such responsibilities but receives more for its

work. True the pilots at a few of the ports earn more, but at many they get much less, so that the average is about \$1,100 per annum. Is that too much for a man who devotes his life to such a pursuit? Consider for a moment the burdensome character of his duties. No statute laws govern the hours of his labors. He has no fixed time for home and its pleasures, no assurance that he may lay aside the cares of his arduous life when the night comes or that the roof of his friendly cottage will shelter his head when the day is gone. But at any hour, whether in the night or day, in calm or storm, he must be prepared to face the raging billows and to risk his life in the performance of those duties which the laws both of the State and of the nation cast upon him, and upon the proper performance of which rests the safety of thousands of human lives and the security of millions of property.

Yet, sir, there are those who would rob these public servants, for public servants they are, of this small pittance, even though suffering and want shall come to them and their families.

Now, Mr. Chairman, this matter should be left as the fathers of the Republic left it, with the States, and they, sir, can be trusted to deal with the subject fairly and for the best interest of all concerned. No State but wants to build up its commerce, and wherever it can safely dispense with any service or remit any charge burdensome to its commerce it can be trusted, and more safely too, than Congress to remove the burden.

Our own maritime history demonstrates this, for while originally all the Atlantic States, with perhaps one or two exceptions, had compulsory pilotage, one after another, as foreign commerce has become sufficient to support the pilot systems within its borders, has abolished the same on coastwise vessels, until to-day none of the States north of the Potomac has compulsory pilotage except on foreign vessels, the last to abolish the practice being Maryland. Then, too, North Carolina, as before stated, has taken similar action with reference to the port of Wilmington.

And as those have done so will all the others on the South Atlantic and Gulf do if commerce continues to grow there in the future as we hope it may. But until the time arrives when foreign shipping shall have become sufficient to support and keep up these pilot systems to that degree of efficiency demanded by commerce there should be no change. Otherwise the people there will be driven to the necessity of either seeing their commerce leave their shores, or, as I have said, be compelled to resort to other methods to raise money with which to support their pilots—methods to which the people in the other maritime States, left by Congress to manage their own affairs, did not resort and did not have to resort.

The people in these States kept compulsory pilotage until the time arrived when, in their judgment, they could safely remove the burden. Why, then, should the people south of the Potomac be treated differently? I think this body will decide that there is no reason for such a radical departure from the policy which has controlled from the beginning of the Government until now, and under which the coastwise sail-vessel owners have prospered as no other vessel owners have done.

Mr. Chairman, I do not deny but that Congress has the right to pass this law. I only claim that it should not do so. It would be much better for it to take charge of the whole matter, as it would have the power under the Constitution to do, than thus to take from the States the means of supporting the pilots while still throwing upon them the burden so to do. And if I were given the option to do the one thing or the other, I would unhesitatingly cast my vote in favor of complete rather than partial control by the Federal Government.

Now, Mr. Chairman, it is claimed in the majority report that practically all the shippers in the Southern States had indorsed this bill, but this claim, sir, is not in accord with the facts. I believe this report shows that there are twelve telegrams or letters from Florida, mostly lumbermen, none signed, however, by more than one person or firm, and as many more telegrams and letters, perhaps, from each of the other South Atlantic States, including one or two of those on the Gulf, while in opposition to the bill, from all over the country, petitions, letters, and telegrams have come from commercial bodies, merchants, lumbermen, shippers, importers, exporters, masters of vessels, engineers, bankers, and underwriters protesting against this measure.

Prominent among these protests is a resolution adopted by the executive council of the American Federation of Labor at its recent meeting in this city, which I read:

RESOLUTION ADOPTED.

As H. R. 5281, a bill to abolish compulsory pilotage in certain ports and with reference to certain vessels—coastwise sailing vessels—would destroy the pilotage system of those ports owing to the insuff-

ficent foreign trade at those ports to sustain the same, and as such destruction and the saving to commerce would be at the expense of and the danger of human life, it was resolved by the executive council of the American Federation of Labor that we protest against the passage of said bill. Its passage would be unwarranted. It would encourage the worst spirit of parsimony at the risk of the lives, not only of the crew, but also the traveling public.

The Cummer Lumber Company, too, one of the largest sawmill and lumber firms in the State of Florida or in the South, also protests in the following language contained in a letter addressed to myself and bearing date "Jacksonville, Fla., March 31," this year:

We wired you last night relative to the bill entitled "Discrimination against sailing vessels in coasting trade," and in this connection we would state that Capt. Montcalm Broward, of our city, showed us a report (No. 1482) in which, on page 63, we are quoted as being in favor of the Littlefield bill.

It is true that in January, 1905, acting on the spur of the moment and under a false impression, we urged the passage of this bill, but after having discussed the matter carefully with the pilots here we can see that we were wrong, and are therefore anxious to set ourselves right.

We regret exceedingly that we were quoted in the matter at this late day, as we can see wherein the passage of the Littlefield bill would work a hardship on the shipping interests, and we have done all in our power to rectify the error made in 1905.

Trusting you will appreciate our position in this matter, we are,
Very respectfully,

CUMMER LUMBER COMPANY,
By A. G. CUMMER.

So, Mr. Chairman, we have arrayed against this bill these great industrial forces, speaking not only in the interest of the pilot, but in favor of life and property, and the continued growth and upbuilding of our maritime commerce now developing more rapidly than ever before in the history of the country.

Then, sir, why strike this blow at American commerce when the States themselves can be trusted to act? Why make so much haste in the direction of the centralization of all powers in the hands of the Federal Government, when at least this one can be better left with the States?

The pilots themselves merit a better fate, for there is no class of people more deserving. No skilled vocation or profession performs so much and obtains so little from the great interests they serve. Facing danger, often beyond the hope of relief, risking life for the cause they serve, they are ever at the post of duty, and they should not be wantonly destroyed in order that avarice may increase its gains or monopoly its power. [Loud applause.]

The CHAIRMAN. The gentleman from Washington [Mr. CUSHMAN] is recognized for one hour and twenty-seven minutes. [Applause.]

Mr. CUSHMAN. Mr. Chairman, in the more than seven years that I have been a Member of this body it has been upon very rare occasions that I have inflicted myself upon this presence for the purpose of making any remarks. And, sir, the thought that is uppermost in my mind to-night is the cordial welcome that I have always received upon this floor from my associates upon both sides of this Chamber. The welcome I have always received here, sir, I take it, has been occasioned more by the rarity of my appearance than any excellence of my performance.

But, sir, be that as it may, the recollection of that welcome will constitute one of the delightful and treasured memories of my existence as long as life shall last, and which nothing in the hereafter can dim nor destroy. And I trust that I will never speak often enough on this floor to wear out my welcome.

A few days ago upon this floor I delivered a few omnivorous and semidigested remarks upon the subject of the tariff and other kindred issues. I was unable to complete those remarks by reason of lack of time. However, sir, that fact did not in any way interfere with the symmetry of that production, because any speech that I ever make is just like a ring of bologna sausage—I can cut it off anywhere. [Laughter.]

However, it occurred to me, sir, that this might be an auspicious occasion for me to take up the thread of that discourse once more.

I desire to be understood at the outset that there are a few of us yet remaining upon the Republican side of this Chamber—of which number your humble servant is an obscure member—who yet believe in the honesty, the legality, and the efficacy of an American protective tariff.

And when I say an American protective tariff, I mean such a tariff as is enshrined in the faith of our fathers; the old-fashioned political faith of our ancestors—a tariff tried by time and tested by events.

I do not indorse the free-trade heresies, and neither do I subscribe to any of those political idiosyncrasies that occasionally crop out on this side of the Chamber, when men who are always asserting their Republicanism are at the same time

eternally assaulting the bulwarks of their party—not from outside the breastworks, but from inside the defenses.

Speaking for myself, I have never believed in floating the flag of my country nor the banner of my party at half-mast.

Therefore, I trust upon this occasion I will be able to make it plain just where I stand.

TOWNE VS. ROOSEVELT.

Mr. Chairman, one of the favorite and approved methods of some people in this world of diverting attention from their own faults and follies is to make an hysterical onslaught on some one else who has been more wise or more fortunate. When I heard the distinguished gentleman from New York [Mr. TOWNE] on this floor a few days ago making an onslaught upon the President of the United States, it occurred to me that he was a past master at that system. It seemed to me, sir, that the gentleman was endeavoring to divert the attention of 90,000,000 of American people from the unnumbered and egregious follies of himself and his brand-new ally, the Democratic party, by making an onslaught upon the President of the United States.

Sir, I am not here to contend to-night that President Roosevelt is either *immaculate* or *immortal*. I doubt not, sir, that he has a few personal weaknesses, like all other members of the human race. I doubt not that he has made one or two small mistakes—and any man is likely to make mistakes who is *alive* in the domain of American statesmanship. But a political mummy like the Democratic party, as dead as Rameses, has had few opportunities of late to make any mistakes that should have any lasting or tangible results. [Applause on the Republican side.] Democratic opportunities of late have been decidedly abridged, but their energy toward error and their enthusiasm in the direction of folly seems to be as strong as ever.

Theodore Roosevelt needs no defense from me nor any other man. His record is written amidst the political stars, and is a part of the common and glorious history of our Republic.

And I undertake to say that his name will shine star bright in the memory of 90,000,000 of his race when the names of Towne and Bryan are recalled only as the champions of error and the adherents of folly. [Applause on the Republican side.]

My distinguished friend [Mr. TOWNE], when he was upon his feet the other day, did me the distinguished honor to class me as a *humorist*, or, at least, as an alleged humorist, which soft impeachment it is not necessary for me at this time either to affirm or deny, except to remark in passing that I do not claim to be a humorist of the same sublime class as my friend from New York.

It is true, Mr. Chairman, that once or twice in my life, when I made a great effort, I have been able to say something amusing enough to cause a temporary laugh among a few people. But, sir, my distinguished friend from New York [Mr. TOWNE] said some things in the campaign of 1896 that the entire American nation have been laughing at ever since. [Laughter and applause.] As a humorist, sir, my friend stands upon a lofty and a lonesome pinnacle. [Renewed laughter and applause.]

MONEY—THE LIFELOOD OF THE BODY POLITIC.

When my friend from New York [Mr. TOWNE] was upon his feet, he essayed to discuss briefly the money question. Among other things he said—and if I do not quote him exactly, I certainly will not do violence to the substance of what he said—turning to the Republican side of this House, he said:

You [the Republicans] * * * committed yourselves unreservedly to the contention that there is no discoverable relation between the quantity of money in circulation and the range of prices.

When the gentleman said that, he said, in substance, what I do believe. Sir, it is necessary that a nation should have a *sufficient* volume of money, but it is not necessary that a nation should have a *vast* volume of money. And the volume of the circulating medium is not to be compared in the same breath, as regards importance, with the unquestioned value of the currency and the rapidity with which it is circulated through the channels of trade by business prosperity.

When the gentleman [Mr. TOWNE] made his famous free-silver speech in this House years and years ago—the echoes of which are yet ringing around this historic Chamber—he compared the circulating medium of a nation with the blood in the human body. That comparison, sir, was most apt. But the remarkable part of the performance was that the gentleman who was using the illustration failed utterly to grasp the one main point that made the comparison appropriate.

Sir, a mere deposit of blood in the human body, or the fact that there is blood in the human body, never in and of itself maintained life, sustained health, or averted disease. A few

days ago I stood by the side of a bier [laughter]—no, Mr. Chairman, it was not the kind of a beer that some gentlemen seem to have in their minds. A few days ago I stood by the side of a bier and looked down upon the cold and pulseless outline of a corpse. There yet remained in that body every ounce of blood that had circulated through it in the days when he stood upright and walked abroad among his peers; but he was as dead as Julius Cæsar. Yes; he was dead as the Democratic party. [Great laughter on the Republican side.] Sir, what that cadaver needed was not a larger body nor more blood, but an unimpaired physical organism to pump through that body the blood that was already there. And what this nation needed in 1896 was not more money, but an unimpaired industrial organism to pump through the body politic the money that we already had. [Loud applause.]

THE MONEY QUESTION.

Now, I want to say just a word upon the money question. And I expect I ought to apologize for this, Mr. Chairman, because in the year of 1896 the American people had a peculiar and pronounced symptom. They had a great rush of brains to the head [laughter], and while they were in that condition they settled the money question by declaring for sound money, and, in effect, the gold standard; and in the political graveyard, away over in the corner of the potter's field, was erected another small white monument that marks the last resting place of the dead and discredited remains of another bygone Democratic issue—16 to 1. [Laughter and applause.]

Now then, sir, just a word on this subject personal to myself. All my life long I have been an adherent of the single gold standard, with no qualifying adjectives. [Applause.] In the years of 1889 and 1890, away out amidst the sand hills of Nebraska—and that was seven long years before the famous campaign of 1896—I was writing gold-standard editorials for what was, perhaps, the most humble apology for an American country newspaper published anywhere on the Western Hemisphere. [Laughter.] I do not know very much now, and I knew a great deal less then; but even then I knew enough to know that I believed in the single gold standard, and I said so unhesitatingly on all occasions. And the man does not live who can produce a single recorded utterance of mine in favor either of free silver, or its twin heresy, bimetallism. So much for my own record on the money question.

Now, as to the record of the Republican party on the money question, just a word or two.

Now, I am not one of those who contend that all the declarations of my political party have been divinely inspired. The truth about it is, the Republican party in its platform made one mistake upon the money question at a time when it was not a great and overpowering issue before the American people; but when it did become the leading issue before the people and all men began to study it the Republican party proceeded to get on the right side of that issue, and has remained there consistently ever since. [Applause on the Republican side.] That was ten long years ago. The Democratic party not only have not got on the right side of that question, but, judging from the declarations of their last national platform, they have not got on any side of it yet. [Laughter on the Republican side.]

A POLITICAL CHARIOT RACE.

Now, sir, I am somewhat tempted in my discussion of the money question to-night to display a small chart; but oh, Mr. Chairman, when I recall at this time what has heretofore happened to some distinguished men in this body who have had the "chart habit," I am almost deterred therefrom. [Laughter.] During his earlier years my distinguished friend from New York [Mr. Towne] was given to drawing charts. I remember, years and years ago, when that gentleman with his magic chart in this Chamber harnessed together a bushel of wheat and an ounce of silver and attached that splendid team to his political chariot, and amidst the applause of the multitude started round the political race course. Ah, sir, what happened to Phaeton, of mythological fame, on the day that he drove the chariot of the sun for his venerable daddy was not a circumstance to the wreck and ruin that overtook my distinguished friend in his chariot race. [Laughter.] Mr. Towne was driving a magnificent span—a bushel of wheat and an ounce of silver yoked together and squarely abreast, and they made a splendid start. The oratorical bleachers and the political grand stand fairly went wild with applause at that splendid get away. But as they neared the first quarter post a few of the old veterans of the track seemed to notice that something had gone wrong with the harness. The nigh boss seemed to be shooting right out through

the collar, while the off critter was falling right back through the breeching. [Laughter.] It was an awful situation. Nobody but a hero could hope to cope with it. Nobody but a political Ben-Hur would have dared to tackle it. But, sir, my friend was equal to the situation. He determined if he could not win that race driving them *abreast* he would win it by driving them *tandem*. [Laughter.] And, sir, without an instant's pause to unbuckle a hame strap or grease an axle, in full view of the grand stand, without a single change of scenery, and without extra charge for the additional act, he swung the nigh boss into the lead, and they came down toward the last quarter post at a gait that would have made Messala's best pace look like 30 cents. [Laughter.] I regret to say, sir, that it was on the home stretch that occurred the crowning catastrophe. The nigh boss, old "Bluestem," an American thoroughbred, tore clear loose from the harness and went under the wire so fast that it took two men to see her go by; but the off critter, an old flea-bitten silver gray that never was reliable in emergencies, tore right out backward through the harness and started backward down the track in exactly the opposite direction. [Laughter.] Sir, I undertake to say that that was the greatest smash up that ever occurred on the political track in all recorded history. Some men were unkind enough to say that Mark Hanna, who was then in charge of that track, had willfully thrown that race. But, sir, what became of the youthful charioteer, Mr. Towne? When that smash up occurred he went straight up into the air so high that he has not lit yet. [Great laughter.]

Now, I want to say one or two words upon the money question merely in passing. The statement has been continuously made upon this floor that the prosperity that has come to the American nation recently has not come by reason of a protective-tariff law, but by reason of the unprecedented and unusual production of gold. Let me for a moment only review the facts: In 1892, when the Republican party was in power, we had a high protective-tariff law upon the statute book, and it is known of all men that we then had prosperity. And, sir, in the political campaign of that year we, the Republicans, asserted on every stump that if that policy of protection were reversed and supplanted by a free-trade policy, business and commercial disaster would come to this nation. That statement was denied by every Democratic orator on every stump between the two great oceans. Sir, in that campaign Mr. Cleveland was successful. He and his party came into power, and the panic very promptly arrived. [Laughter.] Inasmuch as that had happened which the Democratic party asserted could not happen, that party was placed in the peculiar position and under the necessity of finding some excuse to give the American people why that panic had occurred. So, with considerable unanimity and enthusiasm, they immediately began to proclaim up and down the length and breadth of the land that it was a shortage in our money metal and a fundamental error in our monetary system that had produced the panic. You will remember that we then had substantially the same money system under which, for thirty years prior to that time, we had enjoyed great and continuous prosperity. It struck me at that time as a very remarkable incident that this so-called "evil" in our financial system should have lain dormant for thirty years and then broke out in most violent form at just the moment when we got a free-trade law upon our statute book. [Laughter.]

But, sir, four years finally rolled around, and President McKinley and the Republican party came into power. And what did they do? They made no great or fundamental change in the money law; they simply wiped off the statute book the free-trade law and wrote in its place a protective-tariff law, and a great and grateful wave of prosperity once more swept over this nation.

That placed the Democratic party under the peculiar necessity of finding another excuse why that thing had happened which they had continually asserted could not happen; and they were under the further embarrassment of having to find an excuse whose character should not utterly discredit everything else they had theretofore said upon that subject. Therefore they at once began to assert that prosperity had not returned to this nation by reason of the enactment of a protective-tariff law; oh, no; but that that prosperity had been caused by an unusual, a remarkable, and an unprecedented increase in the supply of gold at that time.

Now, if I should be able to show to-night that there was a greater relative proportionate increase in the production of gold in the United States during the period of that panic than there was a like period of time that followed it and when we had prosperity, why, if I should be able to show that, that

would leave that particular contention of the Democratic party in a very sad plight, wouldn't it?

Now, I hope to prove one or two things in relation to that claim of increased gold production.

First, I will prove that the production of gold in America was increasing enormously during all the time that that disastrous free-trade administration was in power.

Now, then, if gold was increasing then, and they could not produce prosperity under that condition, what right have they to say that it is the increase of gold which alone is producing prosperity now?

If gold increased then and we had panic, and gold is increasing now and we have prosperity, any wise man will know that it must have been some other cause which produced the panic, and likewise produced the prosperity. Because, if a large production of gold produces prosperity at one time, it ought to have exactly the same effect at another time.

Second, I will not only prove to you that the production of gold was increasing enormously during the period of that panic, but I will prove to you that it was increasing in greater proportion and in larger ratio during that very panic than for several years immediately following.

Now, I want to call your attention for a moment to a very modest little chart. And I give you my word that I bring this little chart here with great fear and trepidation, in view of what has occurred to my distinguished friend from New York [Mr. TOWNE]. Yes, Mr. Chairman, I bring forward this chart with a hesitancy bordering almost upon timidity. But here it is:

PRODUCTION OF GOLD IN THE UNITED STATES.

(Including Alaska.)

| | Year. | Gold produced. |
|------------|--|----------------|
| PANIC | 1892 | \$33,015,000 |
| | 1893 | 35,955,000 |
| | 1894 | 39,500,000 |
| | 1895 | 46,610,000 |
| | 1896 | 53,088,000 |
| | 1897 | 57,363,000 |
| | Increase in 6 years of—\$24,348,000= 73% increase. | |
| PROSPERITY | 1898 | \$64,463,000 |
| | 1899 | 71,053,400 |
| | 1900 | 79,171,000 |
| | 1901 | 78,666,700 |
| | 1902 | 80,000,000 |
| | 1903 | 73,591,700 |
| | Increase in 6 years of—\$15,537,000= 24% increase. | |

(Note.—Figures in this table are taken from the Report of the Director of the U. S. Mint, under the Treasury Department of the United States.)

Now, Mr. Chairman, I want to make a very brief explanation in regard to this chart and in regard to what I think this chart shows. I would like to make that explanation without interruption, and after I conclude my explanation if any man present desires to ask me any question regarding this chart, I will be happy to answer him if I can.

The figures upon this chart are taken from the report of the Director of the United States Mint. Those figures are as reliable as any figures on earth. Whatever fault anyone may be able to find with my argument predicated upon these figures, the figures themselves can not be successfully assailed.

In the first place, this chart shows the production of gold in the United States for twelve consecutive years, from 1892 until 1903, inclusive. It shows the production of gold in the United States during each and every one of those twelve years.

Sir, it is known of all men that during practically all of those first six years—perhaps not quite all, but practically all—we had a condition of adversity and panic. It is also known of all men that during these last six years, from 1898 to 1903, there was a condition of great and abounding prosperity in the United States. Therefore I have divided this chart into two parts. The upper half, covering the first six years, is marked "panic," and the lower half, covering the last six years, marked "prosperity;" and the object of this chart is to contrast the production of gold in the United States during that first six-year period with the gold production of the United States during the last-named six years.

Now, inasmuch as the statement is continually made that the panic during those first six years was caused by a shortage of money and an underproduction of gold, and the further statement that the prosperity during the last six years was caused by a mighty increase in our production of gold, therefore it becomes a very pertinent and proper subject of inquiry to make a comparison between the amount of gold produced in the United States during the first period and the amount produced during the last period.

Now, if the fact should appear that gold production was increasing in the United States in greater proportion and in a larger ratio during the six years of panic than during the six years of prosperity immediately following the panic, then no wise man will assert that it was the production of gold that produced those two widely different conditions, because if a large production of gold produced prosperity during the last-named six years, then why did not a greater proportionate increase in the production of gold produce prosperity in the first six years?

Now look at the chart, if you please. You will observe that in the six years between 1892 and 1897, inclusive, there was an increase in the production of gold in the United States from \$33,015,000 produced in the first year to \$57,363,000 produced in the last year, and the increase was reasonably regular from year to year during that period.

By contrasting those figures you will notice that during those six years there was an increase in the annual production of American gold of \$24,348,000—over twenty-four and a third millions of dollars. And yet, in spite of that enormous increase, we were having panic and hard times during that very period.

Now look at the second half of the chart, the lower part, representing the six years that followed. You will observe that in the six years following the increase in the production of gold in the United States was a good deal less than it had been in the six years before. In 1898 we produced \$64,463,000, and by 1902 that production had risen to \$80,000,000. How much increase was that? That was an increase of \$15,537,000—that is, an increase of about fifteen and a half millions in the last six years.

Therefore this chart, in substance, shows that during these last-mentioned six years we increased our production of gold about fifteen and one-half millions, while in the six years before we increased our production of gold about twenty-four and one-third millions; and the remarkable part of this matter is that during that first period, when we were increasing our production of gold more rapidly, the free-trade policy was giving us hard times, and during the last period, when we were not increasing our production of gold as rapidly, a protective-tariff Administration was giving us good times.

Now, I want to ask one question: If an increase of fifteen and one-half million dollars in our gold was sufficient to give us prosperity during this six years, why did not an increase of twenty-four and one-third millions give us prosperity during this first six years? If an increase in our gold production of 24 per cent has produced prosperity when the Republican party was in power, will you please explain to me why an increase in our gold production of 73 per cent failed to produce prosperity in that other period, when the Democratic party was—for the greater part of the time—in power? [Applause.]

Mr. STANLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. STANLEY. Does that chart that the gentleman has prepared there show the production of gold in the Klondike as a part of the United States?

Mr. CUSHMAN. The chart includes the production of gold in Alaska.

Mr. STANLEY. As a part of the United States?

Mr. CUSHMAN. As a part of the United States; but not in what the gentleman calls the "Klondike," that being a part of the British possessions.

Mr. STANLEY. But in Alaska.

Mr. CUSHMAN. Yes.

Mr. STANLEY. Is that included in the chart?

Mr. CUSHMAN. Oh, no; and the reason I did not include the product of *other nations* in this chart was out of especial consideration for the Democratic party; because that party is now talking about the product of *other nations*; but a few years ago they were proclaiming to everybody in the United States that we were absolutely independent of *other nations*, and that they were going to give us an American system of finance "without the aid or consent of any other nation on earth." [Applause and laughter on the Republican side.] The gentleman got hold of the hot end of that, didn't he? Mr. Chairman, at this time there runs through my mind the lines of that beautiful old poem—

Fools walk in where angels fear to tread,
And suckers bite when whales have gone to bed.

[Prolonged laughter and applause on the Republican side.]

Mr. STANLEY. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Washington yield?

Mr. CUSHMAN. Oh, yes.

Mr. STANLEY. Mr. Chairman, I have never plead guilty to the charge of being a fool. I do not plead guilty to that charge now; but if I shall continue during the rest of my natural life to look as little like a fool as the gentleman does like an angel, I shall be a Solomon.

Mr. CUSHMAN. Mr. Chairman, if there was anything offensive in my remark, I shall be glad to withdraw it. I did not mean in any way to hurt the feelings of my friend, who has always been very kind and courteous to me, and I shall be glad to withdraw the remark.

Mr. Chairman, what I desire to say is this, that the men who have been running up and down the face of the earth proclaiming to unthinking American citizens that it is the vast, the unusual, the unprecedented increase in the supply of gold in the United States that produced this prosperity, have simply been trying to cover up the tracks they made in another campaign. I am glad to belong to a political party that has a history and is not ashamed to rehearse it; I am glad I do not belong to a political party that starts into each new campaign trying to obliterate and cover up the crooked tracks it left in the last.

Now, sir, if anyone in the hereafter should ever do me the honor to refer to this little chart of mine in connection with the discussion of this general subject, I trust that such person will neither misunderstand or misquote me in this connection.

I fully understand and realize, sir, that the record of the production of one single product for the brief period of twelve years constitutes a foundation altogether too narrow and limited upon which to successfully rear a great economic theory.

And I did not produce this little chart for that purpose. Now, sir, I do not claim that this chart in and of itself *proves* anything. But I do claim that it *disproves* one thing: It disproves utterly and totally those loose harangues that in the last ten years have been by the reckless or the untruthful and dedicated to the ears of the unthinking, to the effect that the recent prosperity of this nation has been occasioned by the tremendous and unprecedented increase in the production of gold in the United States.

The man don't live who can look that chart in the face and honestly deny the logic of what I say. During all those hard times the production of gold was increasing enormously. Look at that chart and you will see that the production of gold in 1893 was about three millions over what it was the year before. And in the year of 1894 there was an increase of about three and one-half millions over the year of 1893. And the next year, the year of 1895—when we were right in the midst of the panic—there was the biggest increase in the production of gold that there had been in any year for thirty years. That year (1895) there was the enormous increase over the year before of \$7,110,000. And in spite of that enormous increase in the production of gold we were having the hardest kind of times. You could not get hold of 15 cents without putting a mortgage on your life!

But the Democratic party, which could not produce prosperity in those days when all that gold was being produced, now lean back with great complacency and say, "Oh, it's the great production of gold that produced prosperity since the Republican party went into power." Why didn't it produce prosperity then?

WHEN THE AMERICAN PEOPLE DISCOVERED GOLD.

I confess that the discovery of gold is a happy incident in the life of any nation. But, sir, it is not always, nor most frequently, the gold that is discovered in the *mines* that helps humanity in all its walks of life; it is the gold that the human race has discovered in the various and multiplied avenues of trade and traffic that has chiefly helped mankind. I confess to the gentleman that the American people did "discover gold" while the Republican party was in power. The American farmer discovered gold when under increased business activity the price of all his farm lands rose to a higher figure than ever attained before. The American farmer "discovered gold" again when the price of all his farm products rose by reason of the increased demand of American laborers for the food products of the American farm. The American manufacturer "discovered gold" during a Republican Administration when our expanding American commerce exceeded all prior bounds and our products went to other lands and other people where they had never gone before. The American laborer "discovered gold" during a Republican Administration when the rusty hinges of the American factory swung open to the legions of American laborers and once again there poured into the pockets of the erstwhile idle a stream of golden wealth and wages. Ah, sir, the greatest "discovery of gold" that the American people ever made in all their history was the gold they discovered in their pockets at the same time they discovered a Republican Administration in full control of all branches of the American Government. [Applause on the Republican side.]

Mr. Chairman, I shall insert with my remarks two other tables, or charts, that I prepared on this question of the production of gold.

Gold produced in the United States, including Alaska.

| | | |
|--------------|-------|--------------|
| 1893 (panic) | ----- | \$35,955,000 |
| 1894 (panic) | ----- | 39,500,000 |
| 1895 (panic) | ----- | 46,610,000 |
| 1896 (panic) | ----- | 53,088,000 |
| 1897 (panic) | ----- | 57,363,000 |

Increase in five years-----21,408,000

| | | |
|-------------------|-------|------------|
| 1898 (prosperity) | ----- | 64,463,000 |
| 1899 (prosperity) | ----- | 71,053,400 |
| 1900 (prosperity) | ----- | 79,171,000 |
| 1901 (prosperity) | ----- | 78,666,700 |
| 1902 (prosperity) | ----- | 80,000,000 |

Increase in five years-----15,537,000

Gold produced in the United States.

| | | |
|--------------|-------|--------------|
| 1892 (panic) | ----- | \$33,015,000 |
| 1893 (panic) | ----- | 35,955,000 |
| 1894 (panic) | ----- | 39,500,000 |
| 1895 (panic) | ----- | 46,610,000 |
| 1896 (panic) | ----- | 53,088,000 |

Increase in five years-----20,073,000

| | | |
|-------------------|-------|------------|
| 1897 (prosperity) | ----- | 57,363,000 |
| 1898 (prosperity) | ----- | 64,463,000 |
| 1899 (prosperity) | ----- | 71,053,400 |
| 1900 (prosperity) | ----- | 79,171,000 |
| 1901 (prosperity) | ----- | 78,666,700 |

Increase in five years-----21,303,700

Sir, for the sake of convenient reference and in the interest of accuracy, I shall include with my remarks a certain statistical table covering those years which mark the existence of the United States as a nation, to wit, from the year 1792 down to and including the year 1904.

Opposite these years, sir, will be found seven parallel columns, which contain the information suggested by the following seven titles:

- (1) Per capita monetary circulation in the United States.
- (2) Gold produced in the United States.
- (3) Silver produced in the United States.
- (4) Gold and silver produced in the United States.
- (5) Gold produced in the world.
- (6) Silver produced in the world.
- (7) Gold and silver produced in the world.

I defy any man to sit down with that table in front of him and select any one year, or series of years, and thereby construct a plausible and defensible theory to the effect that the production of money metal or the per capita circulation of this nation has been the moving cause of prosperity or panic during any or all of these years.

For, sir, he will find out that when the figures in part of these columns appear to support his theory that the figures in the other columns will destroy it.

Per capita circulation and production of precious metals.

| Year. | Per capita monetary circulation in United States. | Gold produced in United States. | Silver produced in United States (commercial value). | Gold and silver produced in United States. | Gold produced in the world. | Silver produced in the world (commercial value). | Gold and silver produced in the world. |
|----------------|---|---------------------------------|--|--|-----------------------------|--|--|
| 1792-1834..... | a\$7.40 | \$14,000,000 | (b) | \$14,000,000 | \$437,210,000 | \$1,197,711,400 | \$1,634,921,400 |
| 1834-1844..... | c10.96 | 7,500,000 | \$253,400 | 7,753,400 | 226,476,000 | 282,039,000 | 508,515,000 |
| 1845..... | 8.95 | 1,008,000 | 50,200 | 1,058,200 | 36,393,000 | 32,567,300 | 68,960,300 |
| 1846..... | 9.43 | 1,140,000 | 50,300 | 1,190,300 | 36,393,000 | 32,617,400 | 69,010,400 |
| 1847..... | 10.59 | 889,000 | 50,600 | 939,600 | 36,393,000 | 32,617,200 | 69,010,200 |
| 1848..... | 10.66 | 10,000,000 | 50,500 | 10,050,500 | 36,393,000 | 32,717,800 | 69,110,800 |
| 1849..... | 10.34 | 40,000,000 | 50,700 | 40,050,700 | 36,393,000 | 32,843,300 | 69,236,300 |
| 1850..... | 12.02 | 50,000,000 | 50,900 | 50,050,900 | 36,393,000 | 33,018,900 | 69,411,900 |
| 1851..... | 13.76 | 55,000,000 | 51,700 | 55,051,700 | 132,513,000 | 38,089,300 | 170,602,300 |
| 1852..... | 14.63 | 60,000,000 | 51,300 | 60,051,300 | 132,513,000 | 37,775,900 | 170,288,900 |
| 1853..... | 15.80 | 65,000,000 | 52,200 | 65,052,200 | 132,513,000 | 38,402,600 | 170,915,600 |
| 1854..... | 16.10 | 60,000,000 | 52,200 | 60,052,200 | 132,513,000 | 38,402,600 | 170,915,600 |
| 1855..... | 15.34 | 55,000,000 | 52,000 | 55,052,000 | 132,513,000 | 38,288,700 | 170,801,700 |
| 1856..... | 15.16 | 55,000,000 | 52,000 | 55,052,000 | 134,083,000 | 39,104,300 | 173,187,300 |
| 1857..... | 15.81 | 55,000,000 | 52,400 | 55,052,400 | 134,083,000 | 39,366,100 | 173,449,100 |
| 1858..... | 13.78 | 50,000,000 | 52,000 | 50,052,000 | 134,083,000 | 39,104,300 | 173,187,300 |
| 1859..... | 14.35 | 50,000,000 | 52,600 | 50,052,600 | 134,083,000 | 39,569,800 | 173,652,800 |
| 1860..... | 13.85 | 46,000,000 | 156,800 | 46,156,800 | 134,083,000 | 39,337,000 | 173,420,000 |
| 1861..... | 13.98 | 43,000,000 | 2,062,000 | 45,062,000 | 122,989,000 | 46,191,000 | 169,180,000 |
| 1862..... | 10.23 | 39,200,000 | 4,684,800 | 43,884,800 | 122,989,000 | 47,651,000 | 170,640,000 |
| 1863..... | 17.84 | 40,000,000 | 8,842,300 | 48,842,300 | 122,989,000 | 47,616,000 | 170,605,000 |
| 1864..... | 19.67 | 46,100,000 | 11,443,000 | 57,543,000 | 122,929,000 | 47,616,000 | 170,565,000 |
| 1865..... | 20.57 | 53,225,000 | 11,642,200 | 64,867,200 | 122,989,000 | 47,368,000 | 170,357,000 |
| 1866..... | 18.99 | 53,500,000 | 10,356,400 | 63,856,400 | 129,614,000 | 57,646,000 | 187,262,000 |
| 1867..... | 18.28 | 51,725,000 | 13,866,200 | 65,591,200 | 129,614,000 | 57,173,000 | 186,787,000 |
| 1868..... | 18.39 | 48,000,000 | 12,306,900 | 60,306,900 | 129,614,000 | 57,086,000 | 186,700,000 |
| 1869..... | 17.60 | 49,500,000 | 12,297,600 | 61,797,600 | 129,614,000 | 57,043,000 | 186,657,000 |
| 1870..... | 17.51 | 50,000,000 | 16,434,000 | 66,434,000 | 129,614,000 | 57,173,000 | 186,787,000 |
| 1871..... | 18.10 | 43,500,000 | 23,588,300 | 67,088,300 | 115,577,000 | 83,958,000 | 199,535,000 |
| 1872..... | 18.19 | 36,000,000 | 29,396,400 | 65,396,400 | 115,577,000 | 83,705,000 | 199,282,000 |
| 1873..... | 18.04 | 36,000,000 | 35,881,600 | 71,881,600 | 95,200,000 | 82,120,800 | 177,320,800 |
| 1874..... | 18.13 | 33,490,900 | 36,917,500 | 70,408,400 | 90,750,000 | 70,674,400 | 161,424,400 |
| 1875..... | 17.15 | 33,467,900 | 30,485,900 | 63,953,800 | 97,500,000 | 77,578,100 | 175,078,100 |
| 1876..... | 16.12 | 39,929,200 | 34,919,800 | 74,849,000 | 103,700,000 | 78,322,600 | 182,022,600 |
| 1877..... | 15.58 | 46,897,400 | 36,991,500 | 83,888,900 | 113,947,200 | 75,278,600 | 189,225,800 |
| 1878..... | 15.32 | 51,206,400 | 40,401,000 | 91,607,400 | 119,092,800 | 84,540,000 | 203,632,800 |
| 1879..... | 16.75 | 38,900,000 | 35,477,100 | 74,377,100 | 108,778,800 | 83,532,700 | 192,311,500 |
| 1880..... | 19.41 | 36,000,000 | 34,717,000 | 70,717,000 | 106,436,800 | 85,640,600 | 192,077,400 |
| 1881..... | 21.71 | 34,700,000 | 37,657,500 | 72,357,500 | 103,023,100 | 89,925,700 | 192,948,800 |
| 1882..... | 22.37 | 32,500,000 | 41,105,900 | 73,605,900 | 101,996,600 | 98,232,300 | 200,228,900 |
| 1883..... | 22.91 | 30,000,000 | 39,618,400 | 69,618,400 | 95,392,000 | 98,984,300 | 194,376,300 |
| 1884..... | 22.65 | 30,800,000 | 41,921,300 | 72,721,300 | 101,723,600 | 90,785,000 | 192,508,600 |
| 1885..... | 23.02 | 31,801,000 | 42,503,500 | 74,304,500 | 108,435,600 | 97,518,800 | 205,954,400 |
| 1886..... | 21.82 | 34,869,000 | 39,482,400 | 74,351,400 | 106,163,900 | 92,793,500 | 198,957,400 |
| 1887..... | 22.45 | 33,136,000 | 40,887,200 | 74,023,200 | 105,774,900 | 94,631,000 | 199,905,900 |
| 1888..... | 22.88 | 33,167,500 | 43,045,100 | 76,212,600 | 110,196,900 | 102,185,900 | 212,382,800 |
| 1889..... | 22.52 | 32,967,000 | 46,838,400 | 79,805,400 | 123,489,200 | 112,414,100 | 235,903,300 |
| 1890..... | 22.82 | 32,845,000 | 57,242,100 | 90,087,100 | 118,848,700 | 131,937,000 | 250,785,700 |
| 1891..... | 23.42 | 33,175,000 | 57,630,000 | 90,805,000 | 130,650,000 | 135,500,200 | 266,150,200 |
| 1892..... | 24.56 | 33,015,000 | 56,662,500 | 89,677,500 | 146,651,500 | 133,404,400 | 280,055,900 |
| 1893..... | 24.03 | 35,755,000 | 46,800,000 | 82,555,000 | 157,494,800 | 129,119,900 | 286,614,700 |
| 1894..... | 24.52 | 39,500,000 | 31,422,100 | 70,922,100 | 181,175,000 | 104,493,000 | 285,668,000 |
| 1895..... | 23.20 | 46,610,000 | 36,445,500 | 83,055,500 | 198,763,600 | 109,645,600 | 308,409,200 |
| 1896..... | 21.41 | 53,088,000 | 39,654,600 | 92,742,600 | 202,251,600 | 105,859,300 | 308,110,900 |
| 1897..... | 22.87 | 57,363,000 | 32,316,000 | 89,679,000 | 236,073,700 | 96,252,700 | 332,326,400 |
| 1898..... | 25.15 | 64,463,000 | 32,118,400 | 96,581,400 | 286,879,700 | 99,742,600 | 386,622,300 |
| 1899..... | 25.58 | 71,053,400 | 32,858,700 | 103,912,100 | 306,724,100 | 101,002,600 | 407,726,700 |
| 1900..... | 26.94 | 79,171,000 | 35,741,100 | 114,912,100 | 254,576,300 | 107,626,400 | 362,202,700 |
| 1901..... | 27.98 | 78,666,700 | 33,128,400 | 111,795,100 | 260,992,900 | 103,505,700 | 364,498,600 |
| 1902..... | 28.43 | 80,000,000 | 29,415,000 | 109,415,000 | 296,737,600 | 86,264,700 | 382,002,300 |
| 1903..... | 29.42 | 73,591,700 | 29,322,000 | 102,913,700 | 325,961,500 | 90,686,500 | 416,648,000 |
| 1904..... | 30.77 | 80,464,700 | 33,456,000 | 113,920,700 | 346,892,200 | 97,666,300 | 444,558,500 |
| Total..... | | 2,698,080,800 | 1,400,165,400 | 4,098,246,200 | 8,952,474,200 | 5,901,465,200 | 14,853,939,400 |
| 1905..... | 31.08 | | | | | | |

a Yearly average 1800 to 1834.

b Insignificant.

c Yearly average 1834 to 1844.

I have taken a small section out of the foregoing table, and I invite attention to the following figures:

| Year. | Per capita circulation in United States. | Gold produced in United States. |
|-----------|--|---------------------------------|
| 1878..... | \$15.32 | \$51,203,400 |
| 1879..... | 16.75 | 38,900,000 |
| 1880..... | 19.41 | 35,000,000 |
| 1881..... | 21.71 | 34,700,000 |
| 1882..... | 22.37 | 32,500,000 |
| 1883..... | 22.91 | 30,000,000 |

Now, here was a period of six years in the history of the United States, while we were upon the gold standard, because this period was after the "crime of 1873."

Now, during each and every year of this six years the production of gold in the United States was decreasing, and decreasing quite rapidly; but at the same time during each and every year the per capita circulation in the United States was increasing. Our production of gold was going in one direction and our per capita circulation was going in exactly the opposite direction.

Now, for the purposes of comparison, I want to take another

small section out of the foregoing table. I invite attention to the following figures:

| Year. | Per capita circulation in United States. | Gold produced in United States. |
|-----------|--|---------------------------------|
| 1892..... | \$24.56 | \$33,015,000 |
| 1893..... | 24.03 | 35,955,000 |
| 1894..... | 24.52 | 39,570,000 |
| 1895..... | 23.20 | 46,610,000 |
| 1896..... | 21.41 | 53,088,000 |

The foregoing shows a record of five years in the United States when the production of gold in the United States was increasing very largely each and every year; but at the same time our per capita circulation of money in the United States, instead of increasing, was going down hill.

And you will not fail to remember that it was during these very years, while this production of gold in the United States was increasing enormously, that we were having the worst kind of a panic.

The truth about the whole matter is that this "quantitative theory of money" is a kind of economic scarecrow. Just about the time you get one of its artificial legs properly adjusted on

some fine-spun theory, something always happens to destroy that particular theory, and down falls the poor puppet.

Therefore, sir, those who worship at the shrine of the "quantitative theory of money" are obliged to put in their entire time and energy trying to keep the poor thing in respectable commission, because the economic progress of the world is continually kicking holes in its poor, threadbare form.

MR. COCKRAN.

I note, Mr. Chairman, that my distinguished friend from New York—I mean the other gentleman from New York [Mr. COCKRAN]—honors me with his presence and indulges me with his smile. I naturally feel embarrassed in endeavoring to discuss briefly the question of the tariff in the presence of any man who possesses the political agility to get on three sides of one question, as did my distinguished friend from New York [Mr. COCKRAN] in regard to the Wilson free-trade bill.

Mr. Chairman, did I say three sides? I beg the gentleman's pardon. I should have said four sides. [Laughter and applause on the Republican side.] I almost inadvertently underestimated the political agility of my distinguished friend from New York. Now, do I speak the truth in regard to that matter? Let us see. When the Wilson bill was first framed by the Democratic majority of the Ways and Means Committee, my friend from New York was in favor of that bill and spoke enthusiastically in its favor upon this floor. There the gentleman got on one side of the Wilson bill. Then when the Wilson bill went over to the Senate and came back to the House months and months afterwards in its changed and strange form, the gentleman leaped into the arena and proceeded to make an unusual and wonderful onslaught on that bill, and in a very frenzy of fury said: "Mr. Chairman, I will not vote for this bill unless some reason is given me for voting for it." There the gentleman got on another side of the Wilson bill.

Then in this House, after the motion to refuse to concur in the Senate amendments had been voted down, the gentleman from New York was recorded with the other Democrats in voting for that bill upon its final passage through the House. There the gentleman got on another side of the Wilson bill. Then we lose track of the gentleman for a few years—

MR. COCKRAN. I do not like to interrupt the gentleman—

MR. CUSHMAN. Just in a moment I will yield. I just wanted to say that I would yield to the gentleman; but, first, I wanted to ask him one question myself. I wanted to ask the gentleman this: What political party do you rise to speak for—to-day? [Laughter on the Republican side.]

MR. COCKRAN. Mr. Chairman, when I rise to speak it will be for the same principles I have always supported. I have never changed my principles. The gentleman's position might have need of explanation whose party never yet has hesitated in its steady pursuit of success to change principles. The gentleman should never raise that question. Now, in regard to the precise question of accuracy which I wish to raise, I will state what the facts actually are. When the gentleman says I voted for the Wilson bill on its final passage here he states something which in the mouth of another would be—well, I will say wholly imaginary.

MR. CUSHMAN. The gentleman did not vote for the Wilson bill upon its final passage?

MR. COCKRAN. No, sir.

MR. CUSHMAN. In this House?

MR. COCKRAN. In this House. When it came back from the Senate emasculated, the worst protection measure that ever was passed, I voted against it here. And when you mention that bill you pay the highest tribute to the demoralizing influence of that system of robbery which— [Applause on the Democratic side.]

MR. CUSHMAN. Mr. Chairman, I examined, I thought with great care, the roll call upon that measure upon its final passage. I thought the gentleman [Mr. COCKRAN] was recorded in favor of the passage of the bill upon the final roll call. And if I am really in error as to how the gentleman voted, I am glad to be corrected. I might remark—

MR. COCKRAN. Does the gentleman mean to say the official records of the roll call on the final passage of the Wilson bill by this House after its return from the Senate record me in the affirmative?

MR. CUSHMAN. I thought so. I had the volume on my desk a day or two ago. I really had no intention of making any deliberate misstatement as to how the gentleman voted.

MR. COCKRAN. The gentleman must have imagined it in the exuberance of his imagination. I call the attention of gentlemen around us to the inaccuracy of this statement.

MR. CUSHMAN. I may be wrong in this one statement, and if so, I regret that I was innocently led into an error. But

when it comes to exuberance of imagination I can not claim to be in the class of my friend—

MR. COCKRAN. You do yourself but very faint justice, as the committee has just had an opportunity to perceive.

MR. CUSHMAN. Indeed, sir, I wish to say that I have always had, and now have, a profound admiration for my friend from New York. Indeed, sir, I have often wished that I could only speak as well as he can. Sir, if I could only speak as well as he can, I doubt not that I would be just like he is—that is, *I wouldn't care what I said*. [Great laughter and applause on the Republican side.]

MR. COCKRAN. I wish to felicitate the gentleman on having beaten all records in this respect with his very last performance.

MR. CUSHMAN. Now, the gentleman can not put me in the attitude of disliking him. I refuse to do that. [Laughter.] Indeed, sir, I want to pay the gentleman a tribute. My admiration of him was so great that a few days ago I went to a near and dear friend of his to make some inquiries regarding the gentleman. And I said to that friend of his: "Is it possible, sir, that in all of those equally masterful and misleading addresses which the gentleman 'pulls off' upon this floor that he speaks entirely without preparation—absolutely extempore? Has the gentleman no thought of what he is going to say when he rises to speak?"

And his friend said to me, "Mr. CUSHMAN, I not only assure you that he has no idea what he is going to say when he rises to his feet, but what is more wonderful than that, he speaks with such unusual fluency and enthusiasm that he does not even know what he has said when he sits down." [Great laughter.]

MR. COCKRAN. I felicitate the gentleman on having made that the precise condition of his audience when he sits down.

MR. CUSHMAN. Mr. Chairman, before passing on to another theme I recall a few lines from one of the most famous literary women that America ever produced. Among the numberless literary gems she scattered along her pathway was one little poem that has thrilled many a heart to read. In my judgment, she ought to have dedicated that poem to the Democratic party, or at least to my friend from New York [Mr. COCKRAN], who is its orator and prophet. For his benefit and that of his party I will try and recall one or two of the lines:

Keep out of the past, for its highways
Are damp with malarial gloom;
Its gardens are sere, and its forests are drear,
And everywhere molders a tomb.

Keep out of the past. It is lonely
And barren and bleak to the view;
Its fires have grown cold, its stories are old.
Turn—turn to the present, the new.

To-day leads you up to the hilltops
That are kissed by the radiant sun,
To-day shows no tomb, life's hopes are in bloom,
And to-day holds a prize to be won.

[Applause.]

THE SENSE OF PROPORTION.

Sir, occasionally it occurs to me that in the minds of some men there is no just sense of proportion. If they saw a tiny white speck of cloud floating placidly across the sky, that cloud would be all they could see. All the rest of that fathomless and unmeasured dome of eternal blue they would never see.

Sir, when I look at the industrial universe, I try to look at it as a *whole*. And what I see going on in the industrial universe I try to measure in a proper and proportionate way.

And when I look abroad to-day what do I see?

First, I see that the great industrial commerce of the United States—our commerce here at home, between the States, and among each other—amounts this year (1906) to the stupendous sum of \$26,000,000,000.

Second, I see, sir, that that sum of \$26,000,000,000 per year, our domestic trade, is just about twice as large in amount as the total value of all the products which this year make up the international commerce of the world.

Therefore, sir, no wise man would destroy or jeopardize our tremendous commerce at home trying to reach for that abroad, because, if we had it *all*, it would not begin to amount to that which we had destroyed at home.

Last year, sir, our total exports were over a billion and a half of dollars, not one-sixteenth part of our commerce here at home.

The statement has been made that American manufactured goods are sometimes sold abroad cheaper than similar articles are sold at home. There is no doubt in my mind that that practice is indulged in to a limited extent, not only by American merchants, but by all merchants and nations the wide world round.

It has been estimated, sir, that the amount of American goods

thus sold abroad annually cheaper than similar goods sold at home amounts to about one-thirtieth part of 1 per cent of the total of American goods annually manufactured.

Now, we have here to-day a few eminent American Democratic statesmen who—in my judgment, at least—are willing to risk the destruction of a prosperity at home that reaches the stupendous sum of \$26,000,000,000 while they are chasing that fragment of 1 per cent.

Statement for the year 1900.

| | | |
|--|-------|------------------|
| Value of goods manufactured in United States | ----- | \$15,000,000,000 |
| Value of goods sold abroad | ----- | 400,000,000 |
| Value of exports sold abroad at lower prices | ----- | 4,000,000 |

The foregoing are the only figures in the nature of statistics which are obtainable on this subject. These are the figures put forward by United States Senator GALLINGER, of New Hampshire. Senator GALLINGER based these figures upon the report of a nonpartisan industrial commission appointed by Congress to investigate this subject. The remarks of Senator GALLINGER upon this general subject (including the foregoing figures) will be found in the CONGRESSIONAL RECORD of April 23, 1904.

It is manifestly difficult to obtain any figures upon this subject that are absolutely correct. If the foregoing figures are not absolutely correct they are undoubtedly *substantially correct*.

The amount and value of American goods which are annually sold abroad at a cheaper price than similar goods are sold at home is unquestionably a small fraction of 1 per cent of the total annual production of this nation.

THE PARABLE OF THE REAPER.

When I was a boy upon the farm years and years ago I thought then, and I think now, that a field of ripening grain is one of the most beautiful sights in all the world.

I well remember one old field upon the farm that was fenced with a rail fence—a "worm" fence, if you please.

In the sowing season the prodigality of the sower's hand always accidentally cast a few stray grains of seed beyond the area where the sickle bar would reach—into the fence corners.

And in harvest time there was always a few stray heads of grain that we did not gather. A few stray heads here and there—the natural overflow of a great grain field.

We always harvested *the main field*, and paid but little attention to those few stray heads that grew in the fence corners.

Sir, the domain of politics bears some resemblance to a grain field. The wise statesman, the one who has the good of his country at heart and the real prosperity of all the people in his eye, tends strictly to the main industrial field whereon is raised and harvested 99.29 per cent of the prosperity of a mighty nation.

But your theoretical statesman is always and eternally looking at the industrial universe through a gimlet hole. And when he applies his eye to that gimlet hole his vision is so restricted that he can't see the mighty and prodigious prosperity of all parts of his entire nation. No, he can't see that. All he is able to discern through that gimlet hole is that somebody has sold a ton of old iron or a secondhand watch to some alien or heathen sucker for a dime or 11 cents less than somebody once paid for a similar article at home. [Laughter.]

He is willing that the entire industrial field may lie fallow, unproductive, and unused, or its harvest wasted, while he chases himself to death trying to save that twenty-ninth part of 1 per cent.

THE HANGING LAMP.

I once knew a man who was a great reader. He had read so much that he had almost destroyed his eyesight; but unfortunately, from lack of good perceptive faculties, he had not greatly improved his mind.

This bookworm had a lamp hanging from the ceiling of his study, which lamp was hung very *low*, in order to give him the strongest possible light upon his books. But as he walked about his studio he was continually bumping his head into that brass hanging lamp. This was very annoying.

One day he called a carpenter into the house and gave him minute and particular instructions as to just how he wanted this lamp arranged. He told the carpenter to *fix the lamp so it would be nearer to the ceiling*, so he would not bump his head, but *not to hang it so it would be any farther from the floor* [laughter], because he needed all the light upon his books!

Here was a man who wanted his lamp nearer to the ceiling without raising it any farther from the floor.

That man was a perfect prototype and representative of that other political species existing in this country to-day who say they expect to perfect an arrangement whereby manufactured goods can be bought at lower prices—without reducing the wages of the people whose labor makes those goods.

THE MASSACHUSETTS IDEA.

And at this point I want to pay a passing tribute to the Commonwealth of Massachusetts. [Laughter.]

Years and years ago the State of Kansas used to furnish the political curios that filled all the monstrosity booths of the American political museum. [Laughter and applause.] But in recent years the State of Kansas has in that particular fallen to the rear. That peculiar function is now entirely usurped by the State of Massachusetts.

In my humble judgment—and I do not mean to speak disdainfully—the proposition of some of the people of Massachusetts, reduced to its final analysis and stripped of all needless verbiage, is simply this: They offer to release some items of protection that they no longer need and, in return for this, to demand that other localities give up items of protection that mean their very industrial salvation, which is in entire harmony with some other freak ideas that have recently emanated from that once eminent Commonwealth.

Permit me to say, sir, that this offer of the Massachusetts Republicans don't represent *generosity* as much as it represents *gall*.

Let me say to the people of Massachusetts, and also to her distinguished Representatives upon this floor, that in all the length and breadth of this Union there is no State whose development has been aided more by a protective tariff than has the State of Massachusetts.

But there are some people in that State to-day who are looking at the industrial universe through a gimlet hole. That aperture is so small that when they look through it they can't see the mighty and matchless blessings their State has received through the aid of protection—no; the only thing they can see when they look through the gimlet hole is a 15 per cent tariff on hides. And they are so anxious to wipe out that small item that they are willing to endanger the entire structure of protection upon which their welfare and their prosperity rests.

I have also noted that some of the emissaries from the State of Massachusetts are demanding that lumber and coal be placed on the free list. Now, lumber and coal are two of the great products of my State of Washington. You of Massachusetts want to take the tariff off lumber and coal and hides, thereby inflicting an incalculable injury upon the people of my State, but you want to retain protection upon boots and shoes and woolen goods and cotton fabrics and manufactured clothing and all the other manufactured goods which you make under protection and sell to our people out West.

Sir, I have always felt that the East, as a whole, was more largely and directly benefited by a protective tariff than the West. But, inasmuch as that tariff helps to promote in varying degrees the prosperity of the whole nation, the people of the West have stood for that tariff loyally and generously.

And they stand for it to-day.

Having said this much, I now want to say something to Massachusetts. And if you don't listen to one still small voice now, I promise that you will hear the echo in the hereafter of what I am about to say. I desire to say this: The people of the West will stand for a fair and equitable tariff system that protects all the industries of all the different sections of this nation. But they won't stand by and see you retain what helps you and at the same time take away what helps us. No, sir. On the day when you place lumber and coal and hides on the free list then on that very same day I promise you I will vote to take the tariff off every single manufactured article produced under the shadow of the Stars and Stripes, and we will all go to industrial perdition together.

And then, sir, in the wreck and ruin of that time, if the people of Massachusetts should have a lucid interval, we will again build up with infinite toil and care another tariff wall that will equally and fairly protect all the industries of all the sections of this Republic.

QUIT KICKING THE COW.

I said, sir, a moment ago, that I was raised upon the farm, and that is true. Many of the best precepts and happiest memories of my life have drifted down to me from those old days.

I now recall one little incident of my life upon the farm, and it seems to me that I might with propriety at least refer this incident to my Massachusetts friends.

Massachusetts, sir, has some illustrious men upon this floor. I do not seek to belittle them nor their ability. I recall, sir, how they and their State—in common with our entire country—has prospered under the application of the doctrine of protection to American industries. And then, sir, *mirabile dictu*, I am amazed that in the very hour when they are enjoying the benefits of this system for themselves and their people, they

seem to wish to destroy that portion of the tariff system which benefits other people outside of their own State.

And this situation, sir, reminds me of an incident that I witnessed years ago upon the farm.

Near to our farm lived a neighbor farmer who was afflicted with an ungovernable temper. And, sad to relate, sometimes when he was in a rage he was unusually cruel to his stock. I remember one evening my grandfather and I went over to his farm to borrow a pair of "doubletrees," and it was milking time, and it was also fly time as well. The old fellow was squatted down in the barnyard milking with all those scientific motions [indicating] that many of us used to be adepts at in the years gone by. [Laughter.] An old bluebottle fly would light on the old cow and bite a piece of tenderloin out of her, and she would suddenly step up a couple of steps, and then the old man would jump up and kick her and yell: "Soo, Boss, soo!" Then he would move up and start milking again. And then the fly would light on her and take another bite, and she would step back a couple of steps; and then the old man would kick her a couple of times more and again yell: "Soo, Boss, soo!"

After this performance had been repeated some five or six times my grandfather, who was something of a philosopher, said to him: "Bill, it occurs to me that you had better let loose of the teat or quit kicking the cow." [Prolonged laughter.]

Now, Mr. Chairman, without intending anything offensive, it seems to me that the people of Massachusetts had better let loose of the protective teat or they had better quit kicking the Republican cow. [Laughter and applause.]

BLASPHEMY.

When I was on my feet a few days ago, because of something I then said one or two of my friends on the Democratic side have charged me with blasphemy.

Sir, with all the solemnity which I possess, I wish to say that I do not think any man in this Chamber seriously intended to impute that I would be guilty of blasphemy here or elsewhere. No man who has known me in forty years of life would soberly and seriously charge that. Sir, I belong to a party and a race that has always given full faith and credit to nature and to nature's God as the omnipotent power that rules the universe.

I believe there is an omnipotent power that in a larger circle and in a greater scope marks the paths of men and circumscribes the careers of nations. [Applause.]

But, sir, I also believe that God helps them who help themselves. I do not believe that any man can willfully kick the industrial props out from under himself or his nation and then lay the blame exclusively upon deity.

I have heard the statement made in this Chamber a great many times that the prosperity which we are enjoying to-day is not by reason in any degree of the wisdom of Republican legislation, but exists wholly by reason of that omnipotent power. And, sir, with no intention of being blasphemous or irreligious, I want to say that I have often wondered, in the dark days that intervened in this nation between 1893 and 1897, where was that omnipotent power then? That, sir, has never been explained by our political opponents.

I have heard men proclaim, in no less a forum than this House of Representatives, that the prosperity we are to-day enjoying as a nation is alone due to bountiful crops, to productive soil, to the moistening rains, and the warmth of the sun. In other words, they say it is due to Providence, and not to the Republican party.

When they say that, sir, they are largely right, but partly wrong. No human laws and no human agencies can produce prosperity any time or anywhere unless the smiling face of Nature is above it all. But, sir, there are human laws and human agencies that seem potent and powerful enough almost to destroy a prosperity that comes from on high. I never realized how powerful—how almost more than mortal—were the agencies of the Democratic party until the years of 1893, 1894, 1895. In those years I saw my country filled with an industrious people, blessed with a fruitful soil, bathed in sunshine, and moistened with rain produce such crops as the history of agriculture never surpassed before.

But, sir, in the midst of that land of natural plenty we were plunged in a panic, the like of which is not within the memory of mortal man.

NO LAW CAN MAKE EVERYBODY PROSPEROUS.

Sir, in this discussion I desire to be both honest and candid. And I will begin by saying that no government, no political party, and no law can absolutely make every man prosperous. No law, of its own force, can make the idle industrious, the foolish wise, or the spendthrift economical.

The most that any political party can do is to enact laws

that will help create conditions under which men of industry and economy may prosper.

When I say that the Republican party has produced prosperity in this nation and among its people, I only mean that that party placed a wise and beneficent protection law upon the statute book, under the operation of which all legitimate industry could prosper. And after that, the thrift, energy, and economy of the American people did the rest.

I said a moment ago that no party and no law could absolutely make a man prosperous. And that was true.

But, sir, in contradistinction to this, I say that a political party may make and place on the statute book a law that will make the majority of the people poor through no fault of their own. It is possible to frame laws under which even the prudent, the wise, and the economical can not prosper. And that, sir, is exactly what the Democratic party did to this nation when, in 1894, they passed the Wilson free-trade law. Under the blighting and baneful operation of that law went down alike the strong and the weak, the wise and the foolish, the industrious and the idle. It engulfed the nation in panic; it plunged the people in poverty; and it covered the mighty and matchless industries of this nation with a political winding sheet. [Applause.]

Sir, the man who is ruined by circumstances beyond his control is indeed an object of pity. But the man who with his eyes wide open and the history of his nation staring him in the face, deliberately votes to again knock the props out from under himself, he ought to have a political guardian appointed to look after him.

PROSPERITY BY ACCIDENT.

If I don't accomplish anything else in the course of these few desultory remarks, I would like to lodge one thought firmly in the minds of all who hear me, and that thought is, that *things in this world don't happen by accident*. Events in the economic and industrial world do not occur by chance or by accident.

If you were traveling through a great wilderness and suddenly came upon a beautiful field of wheat nodding its golden heads in the wind—though there was not a human habitation in sight—instinctively you would know that the hand of human industry had been there and that that rich harvest was never sown by chance or flourished by accident.

You may see the swift chariots of commerce rushing in both directions over a mighty railway system, passing and repassing each other in bewildering confusion. And if you didn't happen to see the man who was issuing the orders—and were a complete fool besides—you might think those trains were running by accident and not by system. But away off out of sight somewhere, in a little room by the side of a ticking instrument, sits a man whose brain works out the system and the time schedule upon which every one of those trains run. And the fact that you don't happen to see that man does not in any degree lessen his importance or his utility.

You may sit in the palatial cabin of a mighty ocean steamer that in the darkness of the night is plowing her way through the pathless waves and the trackless gloom. Now, if the cabin is lighted with electricity it is a dead-sure thing that there is a dynamo or a storage battery on board somewhere. You may not see the machine, but the indisputable evidence of its presence is there. You may lean over the stern and see the great screw churning the blue waves to creamy foam; you may be entirely out of sight and sound of the engine, but if God gave you any sense at all you know that there is an engine on board somewhere and that that screw is not revolving by accident. [Applause.]

You may not see the pilot, but somewhere out of sight and sound is a careful man who notes every light-house on the distant coast, every star that studs the sky, and every cloud upon the horizon.

And it is by means of all these agencies that you travel in comfort and come safely into port. And the man is an ass who would deny the existence of these agencies simply because he didn't happen to see them.

Sir, the running of a government is like running a great machine. Somebody is in charge all the time. This Government of ours is not run by accident—at least it never has been during the time the Republican party has been in control of it. There have been some other unfortunate periods in its history that amply justified the suspicion that it might then have been running by accident. [Laughter.]

When you look out over this nation to-day and see the smoke rising from the hives of happy human industry; when you hear every wheel and every spindle singing the song of industrial delight; when you see the great white shafts of light shining out from the fiery throats of the myriad forges and furnaces across the blackness of the night; when you see the unnumbered

regiments of men that form the vast and peaceful army of labor move out each morning to occupy the mighty and productive field of American industry and countermarch each evening to homes—to American homes, if you please, filled with all those luxuries and necessities that make the American home an ideal amongst the habitations of all men—sir, when you see all that, you will know that this result was produced by wisdom and that it did not occur by accident.

You may not see each and every hour all the governmental machinery that produces this result. You may never have seen a custom-house; you may never have pored over the tariff schedules; you may never have seen the tariff wall that lifts its protecting barrier between your prosperity and the poverty-stricken conditions abroad. But though you may be out of sight and sound of all the governmental machinery which has produced this magnificent result, yet you know enough to know that this result was produced by brains and by energy, by patriotism and by foresight. And the man who says it all occurred by accident is a fool or a prevaricator—and perhaps both. [Applause.]

TWO THEORIES OF PROSPERITY.

Sir, there are two ways of stimulating trade in this world. One of them is to make everything so cheap that there is absolutely no profit in producing it. And then the bankrupt author of its being is sure to be hawking his product frantically through every market place in the world in an effort to keep his soul and body together. And that, sir, is the economic distortion that in the minds of some men spells "prosperity."

The other way of stimulating trade is to give to every honest heart and hardened hand that bend to the tune of toll beneath the Stars and Stripes a compensating wage and an adequate income, so that he can buy at a decent price all those things which have raised the standard of the American home high above the abiding place of every other nationality beneath the stars.

And that, sir, is the stimulation of trade that, under the providence of God, I wish to see continued to the multiplying millions of my race. [Applause.]

RECIPROCITY.

I regret to say that there exists in this nation to-day a certain "reciprocity syndicate," apparently stimulated with a frenzied desire to mangle the Dingley tariff, lower the wages of all American labor, cheapen the price of all American commodities, and turn the American market place over to a herd of foreign loafers who have never been able to prosper at home—except when a free-trade Administration was in control in America.

On the sixteenth day of August, in the year of our Lord 1905, it came to pass that there gathered in the city of Chicago one certain national reciprocity convention.

Probably the history of the world does not disclose any nation at any time that ever stood upon as lofty a level of national wealth and individual prosperity as the American nation occupied on that very 16th of August when this herd of malcontents marched forth from the cave of Adulm to the self-appointed task of rescuing their nation. Nothing outside the jokes in the back of the family almanac ever happened that was half as funny.

According to their own declarations, they met to "force the removal of the barriers that limit the expansion of American commerce." In that very year and upon that very same day a Government bulletin of the United States announced that "the foreign commerce of the United States in the fiscal year just ended exceeds that of any preceding year," and that "both imports and exports made new high records;" the imports, \$1,117,512,629, exceeded by \$91,793,392 the highest preceding record, and the exports, \$1,518,561,720, exceeded by nearly \$31,000,000 the best previous record.

When a man reads those unimpeachable figures, representing as they do the pride and prosperity of our country, he begins to have a faint conception of the everlasting gall and bald-headed impudence of that array of political fragments, freaks, and misfits who met at Chicago, not to belittle other nations, but their own.

"RECIPROCITY."

That report and the unprecedented growth of our foreign export trade in the past ten years, as well as the unparalleled prosperity of all classes of our people here at home, constitute a complete and overwhelming answer to all that new brood of free traders who are to-day parading through this nation under the thin disguise of "reciprocity advocates."

Yes; they are to-day abroad in the land proclaiming evil and shouting disaster, even while they are parading up and down the aisles and avenues of a nation blessed with a greater degree of actual prosperity than ever blessed any portion of the earth

or any of the children of men since the day that Noah left the ark!

THE RECIPROCITY PROGRAMME.

It is continually asserted that the industries of the United States have expanded so rapidly that larger markets are needed to absorb the surplus products that can not be consumed at home. And the argument is presented that in order to increase our exports we must increase our imports of foreign products.

That sounds well in the abstract, but upon closer examination it does not look well in the concrete. It simply means that a few special American concerns of large proportions are willing to sacrifice other small American interests with which they are not identified in order that a larger foreign market may be secured for their own special products.

Therefore, what looks philanthropic in the abstract appears to be a selfish and contemptible proposition when examined in the concrete.

And that is the fault and the weakness of this whole miserable reciprocity programme as it is outlined to-day by some of its latter-day sponsors. The reciprocity of Blaine and McKinley was a reciprocity that sought to open up foreign markets for our surplus, and as a return concession opened up the American market to the foreigner for those articles which we do not produce at home. In other words, it was a concession that injured no American producer.

But, sir, the patriotic and protective programme of Blaine and McKinley and the absurd propaganda of these latter-day political saints are no more like each other than a doughnut is like a dunghill.

NO REDUCTION THAT WOULD INJURE.

This set of American reciprocity sharks are continually declaring that they would make no reduction in the tariff that would injure any American interest.

But it is perfectly apparent to any man with an ounce of brains that no man can eat his cake and have it too.

If we do not, under this proposed reciprocity arrangement, reduce our tariff enough to benefit the foreign producer, then we have not conferred any advantage upon him, and we are not entitled to receive any advantage in return.

On the other hand, if we do, under this proposed reciprocity arrangement, reduce our tariff enough to benefit the foreigner, we take just that much away from American producers and confer it upon an alien race.

And any man who avows that he is in favor of helping the foreigner at the expense of the American people isn't fit to live in America, much less to legislate for the welfare of the American people.

CANADIAN RECIPROCITY.

There has been a vast deal of loose and flippant talk about the benefits that would accrue to America from reciprocity with Canada.

In the first place, I undertake to say there is not a single article of any nature or description whatsoever produced in the length and breadth of Canada that is not being produced to-day in the United States.

The Canadians wish to export to and sell in the United States, to American consumers, products exactly similar to those which we are to-day producing at home. And every Canadian product so sold in the American market place will rob some American laborer or producer of the result of his toil or the price of his product. Now, I do not blame the Canadian for desiring such an opportunity and advantage. But, sir, I do blame the American citizen who is willing either to cripple or destroy an American industry for the sake of boosting a similar one across the border. That may spell "reciprocity," but in my limited vocabulary it don't spell either "patriotism" or "horse sense."

Think of it for a moment:

Would free wheat imported from Canada increase the price that the American farmer in Minnesota or Kansas would get for his wheat?

Would free cattle from Canada tend to raise the price of beef on the hoof on our western and southern ranches?

Would free wool from Canada tend to boom the American wool industry in our eastern States, or help the sheep grower on the mighty plains of western America?

Would free lumber from Canada boom the American lumberman or would it bust him?

And would free coal from Canada help to raise the wages of the countless thousands of American coal miners?

Mr. Speaker, it is true that at present I live in the State of Washington, but in the remote past my ancestors came from Missouri. You will have to "show me."

EDMUND N. FOSS.

One of the prime movers—I might say, one of the major prophets—of the late national reciprocity convention was one

Edmund N. Foss, a free-trade theorist from Boston, and a tariff agitator by profession. It has never been my pleasure to meet that man Foss, but I have a growing and an almost unconquerable desire to see him. He must be wonderfully and fearfully made.

One of the wits of the world, speaking of another individual, once said: "He is never so serious as when he tries to be funny, and never so funny as when he tries to be serious." It is a matter of profound regret to me that the author of that statement never met Foss.

As an evidence that Foss comes within the description just given, I wish to quote his words at the Chicago reciprocity convention. On this occasion he glibly essayed the rôle of spokesman for President Roosevelt. Foss said:

President Roosevelt is in line with this reciprocity movement. He has been on this platform for a long time. In 1902 he went so far as to say—

Now, listen to this *reckless* (?) language which Foss attributes to President Roosevelt—

he went so far as to say that he was in favor of reciprocity, *where the minimum of damage may be offset by the maximum of good.*

[Laughter.]

Of course you understand that perfectly. It is entirely clear to you, isn't it? [Laughter.]

Now, if the President really said that, he certainly worked off on Foss one of the most delicious bits of humor that can be found in the political annals—or among the political "animals"—of America. [Laughter.] The statement was so clear and definite that Foss undoubtedly understood the President perfectly, but it is to be regretted that the remaining ninety millions of us don't recognize the exact *locality* the President had in his mind when he spoke of "*where the minimum of damage may be offset by the maximum of good.*"

Foss really should file a bill of particulars, or a kind of illuminated chart, with specifications and front and rear elevations, so that we may all of us be able to understand just "*where the minimum of damage may be offset by the maximum of good.*"

And when Foss files this explanation I have no doubt but all of us will agree that the plan as outlined is exactly similar to that project which Abraham Lincoln once indorsed, when he said: "*It is just the kind of a thing that people like—who like that kind of a thing!*" [Laughter.]

For fear my attitude may be misunderstood in this matter, I wish to speak now for a small slice of the "*maximum of the good*" and at the same time generously waive any claims I may have to the "*minimum of the bad.*" [Laughter.]

GOVERNOR CUMMINS, OF IOWA.

And who were the men that attended this so-called "Reciprocity convention?" Nearly all of them were free traders. Some few of them had donned a protection coat in order to gain admittance underneath that disguise; but underneath the coat—down next to his hide—was a free-trade shirt. [Laughter.] In that gathering the free traders tasted a congenial atmosphere and felt that their feet were planted on familiar ground.

Chief among them was Governor Albert B. Cummins, of Iowa, the most prominent political orphan that America has produced in the last generation. [Laughter.]

Dear old Iowa—the Commonwealth that gave me birth, and around whose groves and orchards and gentle landscapes are clustered the richest and happiest memories of my life. In this the hour of my maturity I proudly bare my head to the land of my nativity. Dear old Iowa—the patriotic records of my country are richer because your star shines in our national constellation. [Applause.]

And what great names has Iowa given to the world and to fame? Their names are legion:

There is Senator WILLIAM B. ALLISON [applause], who for more than forty years has helped to guide and guard the destinies of the American Republic.

There is WILLIAM PETERS HEPBURN [applause], the clearest-minded statesman and the greatest debater upon this the floor of the greatest parliamentary body on earth.

There is JONATHAN P. DOLLIVER [applause], a patriot and an orator whose fame has reached two continents.

There is Maj. JOHN F. LACEY [applause], a soldier, a patriot, and a statesman—and not a demagogue.

There is Leslie M. Shaw [applause], one of the greatest Secretaries that ever presided over our Treasury Department, and a Presidential possibility of no mean magnitude.

And legions more of heroic names come trooping to my mind to-day like doves to the window—names that Iowa has given to the world and to fame.

And then—and then, there is Cummins! [Laughter.] Ye gods! I never expected to live to see the day when the great State that bore me would elect a Republican governor the back door of whose executive chamber opened directly into a Democratic free-trade convention! [Laughter and applause.]

CUBAN RECIPROCITY.

Mr. Chairman, in this Chamber a few short years ago, and in response to the hysterical clamor of a few misguided enthusiasts who were shouting for Cuba and booming the sugar trust at the same time, I had the honor to raise my voice against that ill-considered piece of legislation called "Cuban reciprocity." If I had any dim doubts about the wisdom of my course then, I feel amply justified now.

Since that Cuban reciprocity treaty went into effect what has been the result in relation to the trade of Cuba? Sir, the trade of Cuba with the outside world—the outside world to which she owed neither gratitude nor gold—has grown eight times as much as her trade with the United States—the United States to which she owes an unbonded debt of both blood and treasure.

Under that reciprocity arrangement during the last year the trade balance between the United States and Cuba was \$48,000,000 in favor of Cuba and against the United States. That means that America last year sent to Cuba \$48,000,000 of American gold with which to increase Cuba's patronage of European mills and factories.

The United States also loses \$18,000,000 per year of lost revenue.

And in addition to these losses in the realm of trade and in the Government's exchequer is another private loss to all American citizens. During the summer of 1905 the price of refined sugar was more than a cent a pound higher than it was a year before that time. It was nearly one-half higher than before we had this reciprocal agreement with Cuba. Now, an increase of a cent a pound on sugar means an increase of \$20 per ton. The consumption of sugar in the United States is about 2,500,000 tons per year. That means an added cost to the consumers of the United States of \$50,000,000 per year.

Now, then, these being the facts about this Cuban experiment, I want to ask just one question: If it costs us \$48,000,000 per year adverse trade balance, plus \$18,000,000 per year lost revenue, plus \$50,000,000 per year donated to the Havemeyer sugar trust, just for the sentiment of having reciprocity with "little Cuba," how much will it cost us as a nation and a people to extend this beneficent and feeble-minded system over the hungry world at large?

"STANDING PAT."

I note that the gentleman from Mississippi [Mr. WILLIAMS], the leader of the Democratic minority on this floor, honors me with his presence and indulges me with his smile. Many a time and oft, sir, I have seen the gentleman arise in his place on the Democratic side of this Chamber and launch his shafts of rhetoric and ridicule at my party, because forsooth he said we were standing pat. Sir, when you frame that indictment against my party I must confess that you have a distinct advantage over me, because, sir, whatever else may be said of the Democratic party in all its malodorous career of poverty and panic, no truthful man who knows the history of your party would ever charge that you stood pat on anything or had anything to stand pat on. [Applause on the Republican side.] I congratulate the gentleman to-day that he is the proud and chosen leader of a party of political wobblers and trimmers, who in the last fourteen years have wobbled once around the great political circle. In 1892 they were for free trade, and made a failure of that; then they were for free silver, and made a failure of that; then they were for anti-imperialism, and made a failure of that; then they were for antitrust, and made a failure of that; then they were for Alton B. Parker, a gold standard telegram and a political mystery, and they made a failure of that. And now, sir, after fourteen years of wandering in the political wilderness they have at last got back to the original starting point—to the old, despised issue of free trade—that under a practical trial and in the disasters of those other times was relegated to the limbo of everlasting and humiliating failure. [Applause.]

DANIEL WEBSTER.

Daniel Webster was one of the greatest of all Americans. In the earlier days of this Republic, when discussing the perpetuity of the Union, Webster said:

I have not accustomed myself to hang over the precipice of disunion to see whether within my short sight I can fathom the abyss below.

Sir, paraphrasing that patriotic sentiment of that great man, I would say: I have not yet accustomed myself to lean out over the edge of a prosperity that is both general and genuine

to see whether within the range of my vision I can locate a panic.

When the sunshine of prosperity is shining athwart my nation then I am not engaged in chasing bats and owls into dark corners and dubious ways. *I am content.*

No wise man ever tore down the roof that sheltered his wife and his babies—humble though it might be—until he had the assurance of something better to take its place. And no wise legislator ever destroyed an actual prosperity chasing a chimera.

There are some things in this world that I will not do. I will not experiment and tinker with the happiness and the welfare of 90,000,000 of my countrymen—no; not even for the sublime satisfaction of again proving to the waiting world at large that the Democratic free-trade theory as applied to the industries of America is an economic failure and an assinine dream.

WHEN THE WHEELS STOOD STILL.

I do not intend in a personal way nor in an offensive sense to arraign Grover Cleveland and the Democratic party, whose instrument he was. Doubtless he and they were then honest in their political belief.

But the recollection of that fearful period of business and commercial disaster is burned into the memory and into the lives of our 90,000,000 of people. The mightiest monument that that Administration left behind it was a continental ruin of commercial industry.

In four short years and amidst the industrial splendors of this nation the Democratic party created commercial wrecks more vast and awe inspiring than any stately ruin that the gnawing tooth of time or the shifting sands of the desert ever left along the shore of the *Ægean*, on the banks of old *Tiber*, or by the delta of the Nile. [Applause.]

Under the Administration of Grover Cleveland the hand of industry was palsied and every wheel of industrial activity stood still. The only time that the wheels of industry ever turned in connection with the career of Grover Cleveland was when he met political death at the polls under an avalanche of American ballots.

But, sir, the future political historian will not fail to record that there was only one brief period connected with the memory of William McKinley when the wheels of industry paused in their restless hum and whirl.

And that was at the moment—at the moment when the sanctified dust and the martyred form of William McKinley were lowered into the tomb, when every wheel and every spindle that had sang the song of industrial delight beneath the Stars and Stripes, for an instant stood still.

Mute but mighty tribute of perfect propriety to him whose genius had unchained their idleness and given them all to the boundless realm of unceasing and matchless activity.

CLOSING.

As I draw toward a close, permit me to say that in the expression of these views to-day I realize that I am open to the charge of being an ultraprotectionist.

I do not deny it. Time and time again in my life and through the aid of my country's history I have seen the industries of my nation flourish under protection, and I have seen them fade under free trade. When I say that I am an ultraprotectionist, I claim no unusual degree of wisdom. Some things there are in this world so manifest that "the wayfaring man, though a fool, need not err therein."

I know prosperity when I see it, and I know panic when I feel it. And in the not recent past both have left their indelible marks and scars upon my corporal body and my political recollection that no amount of Democratic "hot air" will erase.

Our nation has grown marvelously in the past under this protective system, and I believe that the symbol of "Protection to American Industries" shines forth in the political firmament of this nation to-day like the cross that stood in the heavens before the army of Constantine.

If I could summon into this presence here to-day the immortal shades and deathless spirits of those Americans who in times gone by have stood for a protective tariff, I would people this Hall with an immortal assembly.

Their shadowy hands should stretch across the gulf of time and space toward the legions of their countrymen who to-day inherit the harvest of their wisdom and the fruit of their toil.

Their ashen lips should speak again the words of wisdom which many a time and oft in days gone by have driven despair from the American heart and famine from the American home.

Here they should stand in one grand and immortal procession, and at the very forefront of this heroic column would be *Blaine* and *Reed* and *Dingley* and *McKinley*.

Over against the polished words of the gentlemen from New York [Mr. COCKRAN], who has left a luminous and crooked trail between party lines, but who will be remembered by no single economic monument, I would place James G. Blaine, whose chief monument is the American home set upon a loftier level than ever human habitation occupied in all the changing history of the race.

The other gentleman from New York [Mr. TOWNE] has such an amazing degree of brilliant talent that no one political party has ever yet been found ambitious enough to construct a platform wide enough to accommodate his extensive and changing political repertoire.

Over against his meteoric record and changing career I would place—in about the ratio of 16 to 1, if you please—the record of Nelson Dingley, that undemonstrative statesman to whose sainted memory half a million American smokestacks are burning incense to-day.

And there is my friend from Mississippi [Mr. WILLIAMS], who is the leader—yes, who is the leader of *that portion of the Democratic party which follows him*. Over against his career, brilliant with lurid oratory, but utterly barren of any fruitage of economic results, I would place the giant and shadowy form of Thomas B. Reed, whose monument to-day is a continent of resurrected and reconstructed industry.

And over against all the remaining remnants of this heterogeneous mass of theoretical and discredited statesmen I would place the sainted form of William McKinley, who from the shadow of a little vine-clad porch at Canton sent forth one message to his distressed and stricken nation that guided the weary feet of the uncounted millions of his countrymen back to the old familiar paths of a blessed and enduring prosperity. [Loud and continued applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, with amendment, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. R. 17. Joint resolution to print the Fourth Annual Report of the United States Reclamation Service;

S. 1291. An act for the relief of James W. Watson; and

S. 1725. An act granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5545. An act granting an increase of pension to Margaret Brannon.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah.

H. R. 15442. An act to establish a bureau of Immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States.

COLLECTION OF THE REVENUES.

The committee resumed its session.

The CHAIRMAN. The gentleman from New York [Mr. COCKRAN] is recognized for one hour. [Applause.]

Mr. COCKRAN. Mr. Chairman, for several weeks we have been assisting at a peculiar symposium of protective oratory. The vaudeville feature presented to-night, for which the gentleman from Washington [Mr. CUSHMAN] is entitled to credit, is of course beyond serious discussion. Aside from this humorous performance—humorous in every sense—several gentlemen have contributed a good deal to the exterior decoration of the protective structure; but it can hardly be said that they have shed much light on its fundamental principles. There has been contributed, a good deal to the exterior decoration of the protective structure; but it can hardly be said that they have shed much light on its fundamental principles. There has been contributed, however, from the majority in the course of this discussion one

speech which, in the philosophy underlying its conception, the order of its arrangement, the felicity of its diction, and the high note of eloquence with which it concludes, will stand for many years an inspiring note of parliamentary eloquence. If I can succeed in answering the address of the Hon. JOHN DALZELL, of Pennsylvania, delivered on May 24, 1906, I will have met the entire Republican position; for it is no exaggeration to say that there the protective theory is stated with the fullest amplitude, and the merits claimed for it are described in most attractive terms. That speech may be subdivided into several heads: First, it is stated that we are prosperous, and a system which promotes, even if it does not cause, prosperity should be maintained. Second, that the sale of goods by American trusts in foreign markets at lower rates than are exacted from American consumers is in itself an excellent thing. Third, that the volume of such sales is small, amounting, he says, to about \$4,000,000 annually, and therefore this feature of the system is so very little as to be hardly worth notice. Fourth, that if we on this side come into power we will be no better than our opponents, because the revenue bill enacted by a Democratic Congress in 1894 was a highly protective measure. And the address closes with a stately peroration, eminently worthy of the stirring lines quoted at its conclusion, in which the orator asks both sides of the House to join hands for the interests of our common country in maintaining the wages of the American laborer.

Now, Mr. Chairman, I am perfectly willing to meet that appeal. I am perfectly ready to clasp hands with the gentleman from Pennsylvania or anybody else in an effort to increase the wages of the American laborer. I repeat now what I have said more than once—that to me there is no test of prosperity which is absolutely infallible except the rate of wages paid to labor; where wages are high production must be extensive, where production is extensive commodities must be abundant, and abundance is prosperity. I am perfectly ready to meet the gentleman from Pennsylvania [Mr. DALZELL], the gentleman who has just concluded [Mr. CUSHMAN], and all the other gentlemen who have preceded them and who may follow them on that side of the House in insisting that the merit of any policy should be judged by its effect on the rate of wages; that a policy which makes for high wages, by that fact should be accepted as sound, while any policy that operates to reduce wages should be ipso facto condemned. If, therefore, this Republican tariff system operate to increase the rate of wages paid to American laborers, I am willing to concede that it is a policy of beneficence which every sensible, every patriotic, every honest man should uphold. If, on the other hand, it is a policy by which the rate of wages is diminished, decreased, or restricted, then it is one which every honest man should condemn, oppose, and labor strenuously and unceasingly to overthrow and uproot.

Now, when the gentleman from Pennsylvania and I, who have but one object, yet find ourselves pursuing paths so radically different, it becomes necessary to anything like profitable debate that we should retrace our steps until we find some principle so general in its application that we can both accept it. He is logician enough to realize that there must be some postulate of discussion before any sensible discussion is possible. I do not ask the gentleman from Pennsylvania, nor any gentleman on that side, to concede anything about which there can be any possibility of dispute. I do not ask him to concede even that there is a Constitution or a republican form of government in this country, or that there is an American Congress consisting of two Chambers, and that he and I are members of it. The verity I ask him to concede is more general than all these. I simply ask him to admit, as the postulate of any intelligent discussion, that everything of value in this world, everything worth holding, worth having, or worth taking, must be produced by labor, the labor of human hands exercised on the bosom of the earth or on some product of the earth.

Now, I suppose I may start with this proposition unchallenged by the gentleman from Pennsylvania or any gentleman on that side of the House. I pause for dissent if there be any to express. There being none, I proceed.

Postulating then that all wealth, all property, must be the product of human labor, I submit to the intelligence of the committee, to the gentleman from Pennsylvania, and to all his associates, it must necessarily follow that everything of value which anyone can possess must be the product of his own labor or the labor of somebody else. From this it follows that whatever a man has he must produce himself or he must take it from somebody who has produced it. As I put it once before on this floor, whenever a man undertakes to secure anything of value there are but two ways by which he can succeed in obtaining it. He must make it or he must take it. He must make it himself or he must take it from somebody who has

made it. There is no other way. Nobody will claim that government can produce anything of itself. Nobody will pretend that government can wield an ax or drive a plow or handle a pickax. If, therefore, government by any policy makes any person or class prosperous, as you gentlemen claim the protective policy of the Republican party has made the laborers of this country, it must take the thing which it bestows on the favorites whom it enriches from some victim whom it plunders.

This proposition, which I have laid down more than once in this House and outside of it, nobody has ever disputed directly, though every speech on the other side impugns it covertly. The dominant note in the speech of the gentleman from Pennsylvania is that our Government has made prosperity general among wageworkers. The gentleman who has just taken his seat, if we can distinguish any sensible statement through the vagaries of his humor, appears to asseverate that the Government has made laborers in this country prosperous beyond any degree of prosperity they could have attained for themselves. If Government has indeed made laborers prosperous, it must have been by giving these favorites of its system something beyond what they themselves have produced. The right of the laborer to all that he produces by his own labor is the Democratic doctrine. The Republican doctrine is that in some mysterious way the Government gives the laborer more than the value of his product. If it enrich the laborer by anything outside of that which he has produced by his own toil, it must have taken the things it has given from somebody else. Besides the laborer there is only one other factor in the whole industrial field, and that is the employer. The things that have been given to the laborer beyond what he has himself produced must, therefore, have been taken from the employer. There is no one else from whom they could have been taken. If, therefore, there be any sense in the position of the gentleman from Pennsylvania, he would have us believe that the trusts, the employers, the great corporations, are plundered by the Government, when it is administered by the Republican party, to enrich their laborers.

Mr. Chairman, when we remember the source from which Republican campaign funds are derived, this is equivalent to contending that all the trusts and great corporations are in the habit of giving their treasure lavishly to aid the success of a political organization, which, when successful, employs all the powers of government in plundering them. Sir, we might well leave the whole proposition upon this bare statement of probabilities; but, sir, I am not content to leave this issue to be settled by the balance of probabilities. I will go a step further, and, while admitting that the operation of a protective system is to enrich one of the two elements engaged in production at the expense of the other, I undertake to demonstrate that it is not the employer who is plundered for the benefit of the laborer, but the laborer whose wages are diminished to enrich unfairly, but enormously, the profits of the employer.

This, Mr. Chairman, I repeat, is not a conclusion to be inferred from probabilities. It is capable of absolute demonstration. To that task of complete demonstration I hold myself bound. In considering causes that operate to affect wages, we need never be in doubt about the effect of any policy which government can establish, if we first inform ourselves what is meant by wages. Now, what do we mean by wages, Mr. Chairman? Wages, I am sure the gentleman from Pennsylvania will agree, may be defined as that part of the laborer's product which he obtains for himself in compensation for his toil. No one will pretend that the wages of a laborer can proceed from any other source than his own labor. Wherever the products of the laborer are abundant his wages must be higher. Where the product is narrow his wages must be low. Whatever operates to swell the volume of production must therefore operate to increase the rate of wages. Conversely, whatever operates to restrict production must operate to diminish the rate of wages.

Now, the essential policy of protection is to make production expensive, and whatever increases the cost of production necessarily diminishes its volume. If I be engaged in the manufacture of any article, the manufacture of chairs, for example, and I produce five chairs a day worth \$5 each, my total product is \$25. If my wages be \$5 a day, I get in fact one-fifth of my product—one chair out of the five I have produced. Of course I don't take a chair every day, which would be of little use to me; therefore I take its equivalent—that is to say, \$5—in the form of money.

It must be apparent that if by improvement in my skill or increased closeness in application I can produce ten chairs each day instead of five, and the rate of my compensation remains the same, one fifth of my product, I will get two chairs, \$10, the equivalent in money, instead of one chair or its equivalent, \$5. But this increase of my wages, far from reducing my em-

player's profits, increases them. Instead of four chairs, eight chairs are the surplus of my product over and above my compensation, and the proceeds of these he distributes among all the other elements that contribute to their production less that proportion reserved for his own profit.

This explains the economic verity which seems incomprehensible to many, that labor which commands the highest wages is in fact the cheapest. That is to say, there is more profit in employing highly paid than poorly paid laborers. No laborer on this earth produces a large volume of commodities without receiving high wages, and no man can receive high wages whose labor does not result in a large product. This rule is of universal application. It has no exception. Manifestly it can have none. As it pays my employer better to give me \$10 a day for a production of ten chairs than to pay me \$5 for a production of five chairs, so every other employer of labor finds the largest profit in employing, not the cheap workman, whose product is narrow, but the workman who commands the highest wages, because his product is the most extensive. Prosperity which depends on production can not be other than general. If it exist, it must be shared by every member of the community. As my product of chairs increases the demand for all the elements that enter into that chair must increase. More trees must be cut down in the forest, more logs must be transported to the sawmills, more hands must be engaged in making the lumber which will be manufactured into chairs. This increase in the demand for commodities necessarily increases the demand for laboring men to produce them, and every additional demand for labor stimulates the rate of wages. Thus the same conditions and causes that increase my wages operate to raise wages in many other fields of industry. This is not the measure of the benefit which I work to the whole community by improving my own wages through greater efficiency in production. Every increase in the volume of products means a decrease of the prices to consumers. As I increase the number of chairs I cheapen the cost of them to everyone who needs such articles of domestic comfort. And thus it is that throughout the world wherever prices of commodities are highest, there wages are lowest, and wherever wages are lowest, there the cost of commodities is highest. Here we come in direct conflict with the essential theory of protection. That system is built on the fundamental fallacy that cheap labor means cheap commodities. Exactly the reverse is true. All over the world where labor is most poorly paid commodities are dearest. Where wages are highest commodities are cheapest.

In Mexico, where the rate of wages is but a pitiful fraction of the rate prevailing here, the cost of beef and flour and other necessities is vastly higher. If the prosperity of which the Republicans boast had been genuine the price of commodities would have been falling here, while the rate of wages would have been rising. But, as a matter of fact, while prices of commodities have increased enormously, the rate of wages has increased but moderately, if it has increased at all. Certainly there has been a greater proportionate increase in the cost of commodities than in the rate of wages, and therefore the net result is a decrease in wages, for wages are decreased just as effectively by a reduction in the purchasing power of the money in which they are paid as by a direct reduction. The prosperity of which you Republicans boast is not, therefore, genuine, for it means that while a few employers are vastly richer, the mass of laborers are living to-day on a smaller net wage. Now, the difference between the Republican and Democratic position is this: We believe that cheapening the cost of production means increasing its volume, and is the one source of prosperity. If the policy of protection has any definite object, it is avowedly to make the cost of production dearer, and therefore the volume of it less extensive. It must be clear that if the cost of producing a chair be increased, the number of chairs produced every year must be reduced. In brief, the Democratic notion is to reach prosperity by leaving no road to profit open except through increasing production. The Republican idea is to establish prosperity by narrowing production and allowing the producer to increase his profits by taxation. In the last analysis we stand for abundance and you for scarcity. [Applause on the Democratic side.] But, Mr. Chairman, let us go a step further. Let us apply these two economic principles practically and directly to industry in any of its fields, and let us see how each must affect wages. Let us take the case of a person engaged in the manufacture of chairs, shoes, watches, or any other commodity, under absolutely free conditions of trade, with the Government holding absolutely aloof, giving him no favor or protection except that degree of protection which prevents any other person from seizing his goods, and compare the conditions of prosperity governing him with those which govern under a protect-

ive system. Suppose I am a manufacturer of watches, and with a capital of \$1,000, under perfectly free conditions of trade, I can produce, say, a hundred watches, worth \$10 apiece, every month. If I wish to increase my earnings there is but one way open to me, and that is by increasing the volume of my product. I must, by increased skill, by harder industry, by better organization, produce 150 or 200, instead of 100 watches. No other way is open to me. I can not increase the number of watches produced in my factory without increasing the number of hands engaged in producing them. As I increase my own prosperity I must increase the prosperity of my workmen by creating an additional demand for labor, thus stimulating the rate of wages.

But if, under your system of protection, the degree of favor were extended to the watch industry, which the gentleman from Illinois [Mr. BOUTELL] declared the other night is its pressing necessity, so that the cost of producing each watch was doubled, and at the same time, by a system of tariff favor or protection, I was enabled to charge \$20 for each watch, it is quite plain that two results must follow—my product will be cut in two, reduced from 100 to 50 watches. I will, however, make the same profit as on the larger number. But, Mr. Chairman, I would not need more than half the hands to produce 50 watches that I must employ to produce 100, and I would at once discharge the hands that had become superfluous. While my profits would remain undiminished, those discharged workmen would be driven out into the field of industry where other laborers were competing for employment, there to make the competition between them more keen. Competition for employment between laborers can take but one form—that of offering to work for lower and cheaper rates. [Applause.] Can any man pretend that by the inevitable operation of fundamental laws any other result than this can follow from a system which enables an employer or capitalist to make from a diminished output the same profits as from a larger output. Yet this is protection in its essence and its fruit, as you yourselves describe it. In the very nature of things it must have reduced production. It has diminished it. But the manufacturers, employers, trusts, have not suffered. They have prospered enormously through the privilege to levy taxes which they have enjoyed, while the laborers, whose field of employment has been removed, have not been benefited, but injured, by the system. But gentlemen tell us that we are prosperous. Oh, yes; we are prosperous; but so is the Mutual Life Insurance Company prosperous. [Applause on the Democratic side.] So is the New York Life Insurance Company prosperous.

Why, your argument of prosperity is the argument of McCurdy and McCall. [Applause on the Democratic side.] When they were questioned about the administration of their trusts their infamies were not admitted in fear and trembling and shame, but they were avowed with pride and self-approval. Not as criminals making damaging admissions, but as men feeling they had earned approval, McCall and McCurdy boastfully asked the examiners, "Are not these companies prosperous? Are they not all solvent? Have they not grown with enormous strides?" Just as I hear gentlemen on that side say, "Who dare question the amount of tribute levied by this protective system upon the American people for the benefit of our favorites? Who dare deny our right to extort from American consumers of watches or any other commodity prices vastly in excess of those which we charge for the same products abroad? Are we not prosperous? Is not Greene County, in Illinois, represented by the gentleman who exposed upon this floor the exaction of the watch trust, a most prosperous county, a land flowing with milk and honey?" Why, of course we are prosperous. We are prosperous just as the Mutual Life was prosperous, in spite of the robberies that had been perpetrated on its resources. We are prosperous because God Almighty has given us a soil so fruitful that your nefarious system has not yet been able to divert all its products from the toilers who have created them. [Applause on the Democratic side.] We are prosperous because the American people still retain their native efficiency in labor, and your exactions, perpetrated though they have been, on a large scale, have not confiscated all the fruits of their industry, and they are not yet reduced to bankruptcy and want. [Applause on the Democratic side.]

But, Mr. Chairman, as the policy holders in these insurance companies were sustained by the common sense and the conscience of the whole community when they insisted that the measure of their rights was not whether they had been allowed to enjoy some prosperity, but whether they had all the prosperity which an efficient and upright administration of their affairs would have produced, so we on this side say that the question before the American people is not whether any prosperity has

survived your system of plunder, but whether they shall enjoy the full tide of prosperity that God Almighty has intended for them. [Applause on the Democratic side.]

The gentleman from Pennsylvania, in that speech to which I have referred, has done me the credit to say that I wear no mask, that I always insist protection is robbery. I repeat it now—it is robbery; it can not be anything else. That it is robbery, and can not be anything but robbery, every advocate of the system shows conclusively by the results that he attributes to it. Does not the gentleman from Pennsylvania and every other supporter of it claim that by its operation the Republican party has enriched the American workingman? In God's name, where did the Government get anything to give him? Where did it obtain the wealth, the commodities, the things that constitute prosperity which, according to you, it has been disseminating among its favorites? Whatever it has given, it must first have taken from some one else. That Government under this system has been steadily taking from one element of production part of the product to which it was entitled and giving it to the other is undeniable. You yourselves boast of it. We accuse you of it. But which element are you favoring and which plundering? There is where we differ, and my object is to make that point of difference clear. There are but two parties to production—the laborer and his employer. If one has been benefited by Government interference, the other must have suffered. The employer pays you. You do not deny it. Your campaign funds are furnished by him; and it is hardly probable that he would fill your treasury that you might plunder himself. [Applause on the Democratic side.]

These corruption funds, through which you have won power and through which you keep it, are furnished to support a policy which takes from the laborer part of the wages which are rightfully his and gives them to the employer by enabling him to take undue share of the common product. This is accomplished, as I have shown, when the employer by a system of artificially inflated prices is allowed to make from a restricted product requiring less labor profits larger than under a wholesome system he could make on a larger product requiring the employment of many additional laborers. The Republican policy now is to maintain that system of plunder by which laborers are robbed to enrich employers. The Democratic policy is to allow the employer no source of profit except an increase of production, which must necessitate the employment of additional labor, and thus compel the distribution in wages of vast sums that now go into the yachts and palaces and private cars and art collections, and even into philanthropic contributions, which are themselves the proceeds of spoliation and robbery. [Applause on the Democratic side.]

Every dollar that can be produced by honest industry—that is to say, every dollar that can be made by any man without intervention by the Government—must be made by serving the community. Under a perfectly impartial government no man can make a dollar for himself without distributing hundreds in the form of wages and benefits among his fellows. I have no objection to any fortune, however great, that can be accumulated through serving the public. I am opposed bitterly to any policy that allows even one dollar to be acquired by favor of the Government. For favoritism in legislation means plunder of some for the benefit of others, and can mean nothing else. [Applause.] There can be no object in seeking favor at the hand of Government except to perpetrate robbery of some one.

I do not mean for a moment, Mr. Chairman, that gentlemen on the opposite side of the Chamber are deliberate agents of robbery. I know that the statements of the gentleman from Pennsylvania, whose eloquent contribution to Congressional eloquence I am endeavoring to answer, while in my judgment wholly erroneous, are honestly made. I believe that he is as honest and sincerely conscientious in his desire to serve the American laborer as I am. But I submit to thoughtful men on both sides that whatever may be the intentions of its supporters, whatever may be the disposition of its advocates, this system of protection can result in nothing except the perpetration of robbery. Since government has nothing of its own which it can bestow on anyone, there is but one path of efficiency open to it, and that is the path of absolute impartiality. When it attempts to become beneficent, it can succeed only in becoming predatory. This I have said more than once on the floor and elsewhere, but the persistency of able men in championing error forces me to frequent restatements of these obvious verities.

But the gentleman from Pennsylvania says that if the Democratic party comes into power it will take to its bosom this policy which, out of power, it condemns, denounces, and professes to loathe. We are told that the Wilson tariff bill is a monument to Democratic duplicity. The gentleman from Wash-

ington [Mr. CUSHMAN] did me the honor and the service, quite unwittingly it seems, of calling attention to the fact that although I was one of the authors of that measure, supporting it on this floor—indeed, I closed general debate upon it—yet when it returned from the Senate emasculated, perverted from a wholesome measure of tariff reform to the most vicious measure of protection ever enacted, I denounced it and voted against it on its final passage. To me the fate of the Wilson bill is indeed a monument to the difficulty of uprooting a vicious system. Every feature in a policy of plunder is vicious, but the worst of all is its capacity to corrupt and demoralize the opposition. This was never more strikingly shown than in the measure which the gentleman from Pennsylvania has brought to the attention of the House. When the Wilson bill left this House it was, in my judgment, a monument to efficient, wholesome tariff revision, if an iniquity such as the tariff can ever be a subject of reform. It was drawn on the assumption that certain basic materials—not exactly raw materials, because no materials are absolutely raw; but materials that might be called “primary productions of the earth”—are at the basis of all industry, and for that reason they were placed upon the free list. They were wood, coal, iron, and wool. The duties on all manufactures of these articles were reduced in proportion to the benefit which each would receive from free admission of the basic materials of his industry.

A symmetrical measure based upon these principles passed the House and went over to the Senate. When it came back all these basic materials were removed from the free and placed on the dutiable list, with a single exception, and that was wool. The effect was necessarily to place wool under tribute to the other industries. The other industries had agents in these lobbies. They beset and assailed every one of us while the bill was under consideration. Failing here, they transferred their labors to the Senate. Wool growers were not organized into a trust or a corporation. They had no agents thronging these lobbies. When the bill came back to the House the producers of wool were made the victims, and the producers of wood, coal, and iron the beneficiaries of a long series of bargains, which resulted in a betrayal of the Democratic principle. The industries which had captured the Senate wrote their own schedules into the body of the bill; the industry which was without an organization and a lobby was abandoned to their rapacity.

The gentleman from Pennsylvania tells us that the result of placing coal on the dutiable list by the Senate was to subsidize enormously the railroads, and he tells us that that was a Democratic measure. As a matter of fact, each of these enormities was forced into the Wilson bill by the votes of all the Republican Senators without a single exception, joined by a few Democrats—five, I think—who yielded to the demands of local interest instead of defending the cardinal policy of their party.

Mr. Chairman, I charge no one with personal corruption, but the fate of the Wilson bill is a monument to the corrupting and demoralizing influences of this nefarious system. I am not without some sympathy for these gentlemen in the Senate who yielded to private interests. It is hard for anyone to follow a pathway of duty when tariff beneficiaries from his own neighborhood are asking to be saved from what they believe to be impending ruin, or assuming the garb of injured innocence, clamoring to be allowed a share of this plunder in the name of justice.

When the ship-subsidy bill was pending two years ago I was myself approached by an old friend in New York engaged in the shipping business, who insisted that, as a free trader, I should support the measure. “You are a free trader,” said he, “so am I; but I am denied free trade in procuring ships, and yet I am denied any protection in operating them. If we could have a complete free-trade system no one would welcome it more warmly than I. But that is impossible, and under existing conditions the burden of protection falls heavily on New York, while she gets no benefit whatever from it. How often,” he continued, “have you told us in the city of New York that our imperial Commonwealth, great though she is in population and importance, has never yet entered into the enjoyment of one-half the splendor and wealth that Providence intended to be hers, owing to the laws which restrict her commerce and impede her growth? How often have you pictured her standing at the gateway of western commerce, the noble river bearing on its bosom argosies deeply laden with the products of the fertile fields that line its banks, mingling its waters at her feet with those of the sea, ready to bear those precious burdens to the four quarters of the globe, but instead of being free to stretch one arm over the ocean and the other across the continent, with both to gather the fruits of industry from every clime into her lap, there to be exchanged for the benefit of all their producers, and to her own continuous growth in population, importance,

possessions, and beauty, the arm which should be stretched across the Atlantic is bound and shackled by laws which restrict the volume of commodities that can reach here from abroad? And have you not insisted again and again that there being less foreign commodities on her wharves to be offered in exchange for the products of her own fields, naturally fewer native products seek her markets, her trade is therefore restricted by land as well as by sea, through this vicious system of plunder from which she is the chief sufferer? Now," said he, "if this measure passes, by far the largest part of the subsidy will be paid to shipowners in New York. It would stimulate the business of ocean transportation, for which we can not compete under existing conditions, and New York will after all be getting back but a little of that plunder which for many years has been levied upon her to benefit other parts of the country." The argument was plausible. It shook my resolution for a moment; but after a while I was prepared to answer, "My friend, I see at once the point of your argument. There may be something said in extenuation of allowing A, who has been plundered by B, to recoup himself by robbing C. At least I can understand how A might reconcile his own conscience to such a project for his reimbursement, but my fundamental moralities will not allow me to engage in a scheme of plundering the rest of the country even to recoup New York for the plunder levied on her by certain favorites of the Government. [Applause on the Democratic side.] I am as eager for justice as you. I believe that he who submits to injustice is almost as bad as he who perpetrates it, but I can not do injustice even to balance the results of injustice. I can only fight my way to justice and fair dealing by appeals to the conscience of the American people. I can not consent to the plunder of innocent persons, to share in it, or profit from it, even to recoup myself for plunder perpetrated on me by others."

And, Mr. Chairman, is not the whole protection argument an effort to balance wrongs and injuries—to give one man something at the expense of his neighbor to compensate him for some exaction he had previously suffered? It is no exaggeration to say, sir, that this system which has been so long lauded upon this floor as a tremendous achievement of statesmanship is itself the fountain of all the corruption that affects our body politic and threatens to submerge our civic, our social, and political life. [Applause.]

Now, that is a strong statement, and one which I would have no right to make unless it can be established by the most convincing reasons. Mr. Chairman, this is a singularly moral nation. Its stern, robust, sensitive morality is shown conclusively when we remember that the mere exposure of wrong is always sufficient to raise a tempest of popular indignation against it. Never has an opportunity been offered to the American people for a display of the virtues which all moralists consider the most valuable—fortitude in adversity, temperance in prosperity, charity toward those who are suffering from calamities inflicted by Providence—that it has not been embraced and improved in a marvelous degree. And yet we all know the morals of our political life have long been the object of suspicion. Recently our business life in its highest, or at least in its most extensive, fields has been the subject of examination, and as its methods have been unfolded every stage has been found reeking with foulness and corruption. It is an amazing and distressing fact that there has not been a single investigation of an enterprise large and extensive in its operations which has not resulted in a sickening and saddening exposure of graft and robbery, corruption and favoritism. [Applause.]

To what must we attribute this apparent inconsistency between the low morals of high finance and the high morality which governs the average life of this people? Why, Mr. Chairman, it seems to me the reason is not far to seek. When in the body of the law itself there is incorporated a system of robbery by which government is made an agent to perpetuate the very wrongs which government is organized to prevent—where the masses who toll are despoiled by the force which is morally bound to protect them, for the benefit of a few favorites—a fountain of corruption is embedded in the very heart of our system, and the foul tide which it has liberated must continue to swell until it engulfs our entire civil and business life unless the whole pernicious system is abolished absolutely and forever. The corruption of our business life, it is now plain, flows from the same source that has long corrupted our political life.

I say now, Mr. Chairman, and I submit it to the gentleman from Pennsylvania, that under the operation of this system it is not possible for any man at the head of a great industry, enjoying the benefit of a high protective tax, to be anything else than a source of corruption in the civic life of our country.

Let us see if this be an exaggeration. Let me assume for the moment that the gentleman from Pennsylvania is himself at the head of the great steel trust. He is quite as well fitted, I think, for the position as the gentleman who now presides over it. He is quite as good a lawyer, and neither one need yield to the other in complete innocence of the industry itself. [Laughter.] That steel trust is organized to-day with a capital of \$1,600,000,000. The property of the constituent companies is valued at \$550,000,000. Immediately upon being combined into one concern, without having acquired a new building, a new engine, or a new wheelbarrow, this property, worth \$550,000,000, was capitalized at one billion six hundred millions, and sells in the open market at about one billion three hundred and fifty millions. The only thing acquired by the new concern that the constituent companies did not possess was the power to exact high prices for the product by the elimination of domestic competition, foreign competition being excluded by the tariff. In the capitalization of this company the power to levy artificially high prices is therefore valued at nearly \$1,000,000,000, and the rate at which its stock sells in open market shows the valuation is not excessive. Every share of this capital stock plainly represents one-third property and two-thirds a power to plunder. Let us assume now that while the gentleman from Pennsylvania [Mr. DALZELL] is presiding over this corporation, charged with the care of its property and the maintenance of its solvency, the question of placing steel on the free list came before the American people for decision—as I believe it will come at the next election—on the ground, confessed by the gentleman from Pennsylvania himself, in answer to a question of the gentleman from Alabama [Mr. UNDERWOOD] that steel can be produced in this country as cheaply, if not more cheaply, than anywhere in the world. With that issue before the American people, what must the gentleman from Pennsylvania, as the head of that corporation, do? What must be his course by the strictest rules of honor and probity? No one here would dream for a moment that any other consideration would affect him. Must he not defend that privilege, that power which is valued at two-thirds of all the assets represented by the stock of this corporation? How can he defend it? Not by argument.

To stand on a public platform and declare that, while protection was not necessary to the existence of the steel industry, it was highly desirable in order to pay dividends on an inflated capital, we all know would be the strongest way of arousing a public demand that the system be abolished. There is just one way by which the corporation could defend this privilege, and that is by subscribing money to the campaign fund of the party committed to maintaining it. There is but one purpose to which these funds could be put, and that is to corrupt and debauch the American electorate. [Applause on the Democratic side.] And this is the course which the head of that corporation must pursue. There is no escape from it. He must do that or stand idly by and suffer the corporation of whose interests he is the guardian to be deprived of a privilege valued at two-thirds of all its assets. Would not the man of most sensitive morals amongst us all be puzzled to decide what his duty must be under such conditions? Shall he, through loyalty to his country, allow that privilege to be abolished without resistance, and the property of the stockholders, who intrusted him with the care of their interests, reduced two-thirds in value? Must he not exhaust all the ingenuity he possesses and all the resources he can command to defend the integrity of that capital? On the other hand, is a man ever justified in forgetting or disregarding his obligations as a citizen? Must he not choose between disloyalty to the stockholders who trusted him and disloyalty to the Government that protects him? Is not his honor rooted in dishonor whichever way he may turn? What path can he pursue that under this nefarious system does not lead inevitably to wrong and crime and treason? Some one may say he might resign. I think that is what the gentleman from Pennsylvania would do. It would not be exactly the pathway of honor. That has been closed to him by these vicious laws. But it would be the one nearest to honor left open, and therefore I believe he would pursue it. But when he has resigned, what then? When he vacates the chair, is it not inevitable that it will be filled by some one who possesses the qualities for lack of which he could not longer fill it? Will he not then be replaced by another, not more efficient in the art of manufacturing steel, but much more efficient in the arts of corruption and less scrupulous about employing them? Will not the result be merely the substitution of a willing for an unwilling agent of corruption? Will not the very renunciation of the gentleman from Pennsylvania in withdrawing himself from the service of corruption merely insure the employment of another agent who will make corruption more effective and therefore more dangerous? Under a Democratic system the head of the steel trust or any other

productive enterprise would always be a man chosen for his knowledge of the industry, his skill in directing labor, and in swelling the volume of the product. Except as he excelled in these directions, he would have no qualifications for the position. Under this Republican system the man who will always be chosen—who in the nature of things must always be chosen—to preside over such a concern is one who will not employ his time studying methods of stimulating the volume and improving the quality of the product, but one who will employ his time more profitably in the lobbies of Congress, approaching Members, and through bribes or intimidations or other personal influences, inducing them to maintain this system of spoliation. Yes, Mr. Chairman, protection is robbery. Its root is avarice; its method is bribery; its fruits, corruption, spoliation, demoralization. [Applause on the Democratic side.]

Mr. Chairman, the question before the country to-day is not merely a question of protecting the community from robbery by protective monopolies. A graver question looms behind it, sinister, threatening, portentous. The spectacle of men growing rich through Government intervention and praising the system that permits it has produced its natural result. Everywhere throughout the country to-day the specter called "socialism" disturbs the repose of thoughtful men and the security of timid men. When I heard the gentleman from Washington [Mr. CUSHMAN] talking about the silver question I was reminded of the fact that every base measure affecting the coinage which found its way into the statute books was of Republican origin. But the Republican party has always had a marvelous faculty for leaving its baseborn offspring upon the doorstep of its opponent, and then alarming the community by calling attention to the doubtful character of the establishment harboring such doubtful elements.

Mr. Chairman, history may be about to repeat itself once more. The Republicans now claim to be very much alarmed lest the Democratic party may lend itself to socialism. Well, it would be entirely consistent with past history if, in the long run, you gentlemen on the Republican side were found fighting the very socialism which your own policy has produced, and very likely getting a new lease of power by overthrowing it. However this may be, the Republican policy of protection can have no other result than socialism. It is in itself essentially socialistic, and every claim of merit that is made for it strengthens the argument in the favor of socialism. What is socialism? The essential principle of socialism is a theory that the state is the best, and therefore the proper agent of production; that the state can employ labor more efficiently and can distribute its results more equitably than individuals if left to their own initiative. This is exactly the Republican doctrine of protection. You gentlemen by all your argument contend that government can step into the field of private industry and distribute its products better than the elements of production themselves. Instead of leaving the value of each commodity to be fixed by natural laws, you insist that government shall exercise its taxing power so as to stimulate prices artificially, and by making some men pay excessive prices for the necessities of life place them under tribute to other men. The socialist argues that the whole volume of production should be taken and distributed by the state. You say that part of it should be taken from the producers and distributed to some of your beneficiaries. The socialist believes in doing completely and with high motives what you profess to believe should be done partially and through baser motives. The socialist is governed at least with a desire to serve all the people. You don't even avow any other desire than to enrich some of the people [applause on the Democratic side], although you try to conceal the identity of your favorites. [Applause.] I have more than once defined republicanism to be socialism plus larceny—a socialistic interference with individual industry and a larcenous diversion of the proceeds from the treasury of the people to the pockets of certain favorites.

The appropriateness of that definition has been strikingly demonstrated by the events of the last few years. If socialism is to be checked (and it is growing with startling rapidity) we can not arm the socialist with the plausible argument that the existing system is but a partial, perverted, less complete, less honest, less moral form of the system which he seeks to establish. Socialism linked with larceny can never appear less objectionable in the eyes of upright men than socialism pure and simple—which, however mistaken in principle, is at least conceived in good intention and supported in honest, loyal unselfishness.

You may ask me if the next campaign will turn on the issue between free trade and protection. No; I do not think it will. I do not think the American people will ever again suffer a campaign to be made upon an abstract economic principle. The

campaign of 1892 was conducted on an abstraction, and when it was concluded, while a certain principle was approved and the representatives of the people came into this House with a general mandate to reform the tariff, they were without any specific direction by which they could be guided. The result was the disaster so often described upon this floor. Happily your protective system has now reached the point where it is no longer necessary to discuss or describe its abstract elements. It can now be judged by its fruits, and on some of these specific fruits the next campaign, in my judgment, will turn. The American people, and all people fit for free institutions, while they are impatient of abstract discussions, have a wonderful intelligence in applying correct principles to specific proposals and marvelous quickness in appreciating actual conditions.

By the confession of everyone, steel, meat, and coal need no protection. They are to-day competing successfully for the domination of foreign markets. In my own State I hope the Democratic party will wage the next campaign upon the simple proposal that these three articles be put on the free list. [Applause.] Each man may hold what opinion he please as to whether free trade or protection be the sounder abstract principle, but regardless of his view in that respect he will be asked to decide whether this power to tax the whole people shall be left to a few enormously rich concerns, when by the admission of everyone it is not needed for the protection of any industry, and therefore can be employed only to plunder the people. The pretense of any necessity for protection being excluded, an attempt to maintain these taxes merely to prevent any possibility that the extortionate prices now exacted from American consumers may be reduced by competition becomes at once a naked proposal of plunder. Whatever any honest man may think of protection or free trade in the abstract, no one can deny that justice demands the total abolition of taxation that can have no object but the levy of plunder. For my part, I believe when justice begins to assert herself she will not pause till the whole iniquitous system built on injustice is overthrown. When steel, coal, and meat go upon the free list, the whole system will fall with them. We on the Democratic side, at least, are serving the cause of morality and justice when we protest against the collection of this tribute from the consumers of steel, meat, and coal, no longer under any pretense of protection, but openly and avowedly for the benefit of a few swollen and plethoric trusts. [Loud applause on the Democratic side.]

The main argument of the gentleman from Pennsylvania, and of everyone on that side, stripped of all verbal disguise is a taunt that the profits of plunder are so enormous that the system can not be disturbed. When I hear some gentleman say, "You were defeated in 1894, you were defeated in 1896, you were defeated in 1898; for fourteen years you have had no victories to your credit; what chance is there of enforcing the ideas which you support in the face of these recurring disasters?" I am tempted to rejoin: When have political principles been so thoroughly vindicated as the Democratic principles in this very session of Congress? Has not every measure of any importance enacted into law been taken from our platform and supported by our votes? [Applause.]

Gentlemen on the other side seem to derive much comfort from differences which they profess to have discovered between declarations made by various Democratic leaders and Democratic conventions. I think it was the gentleman from Iowa [Mr. HEPBURN] or the gentleman from Ohio [Mr. GROSVENOR] who asked the gentleman from Missouri [Mr. CLARK] in the early part of this session, "What kind of a Democrat are you?" The gentleman from Pennsylvania [Mr. DALZELL] devoted much time to quoting what he considered the inconsistent features of different Democratic platforms. I assume his object was to make it appear that Democracy is a house divided against itself, and that it must therefore fall. Mr. Chairman, Democracy may divide on the application of its fundamental principle, but on the principle itself there can be no division. The Democratic principle is older than any political party; older than this Government or any other government under the sun. The principle of Democracy is not to be found in any platform of a party organization. It is not to be found in the Declaration of Independence, in the Constitution of the United States, in the Bill of Rights, or in any monument of human wisdom. It was embodied in the injunction laid upon the first man, when he was told that in the sweat of his brow he must eat his bread. Democracy is embraced and defined in that one principle: every man must eat his bread in the sweat of his own brow; no man shall be suffered to eat one crumb in the sweat of his neighbor's brow. Everything he himself creates by labor, all the wealth which is produced by his own industry and his own genius, Democracy will protect and respect as a monument to the advantage which good men can take of free and beneficent insti-

tutions. Nothing created by another shall be suffered to touch. All the mischief, all the wrong, all the disturbances that have ever afflicted human society have been results of efforts by some men to eat their bread in the sweat of other men's brows. Attempts to violate this principle have led to the invasion of weak countries by stronger ones. That same motive it is which has led men from the beginning of the world to enrich themselves, not through their own labor and industry, but to possess themselves by fraud, by violence, or by device of the things produced through the industry of other men. From the beginning of the world that principle has been struggling for recognition. Until within a few generations all the governments of which we have knowledge were built on denial of that principle, and they have all perished. This Government is built upon recognition of that principle, and from the hour of its establishment on that solid foundation it has grown in power, population, wealth, and consequence. That principle, though it is the basic feature of our Constitution, is nevertheless violated in these tariff laws and in the system of plunder which they have engendered.

When gentlemen on the other side ask sneeringly if we hope to overthrow this legislation while such powerful influences are organized to defend it, I ask do you recall what forces the spirit of justice has already met and defeated and destroyed? When you recall that the principles which underlie this Constitution had no adherents nineteen hundred years ago except a few wretched outcasts, that all the forces of society were employed to stamp it out as a dangerous and disturbing doctrine—as it was in those days and under those conditions—and when you realize how completely the society which opposed it has dissolved, disappeared, perished from the face of the earth, while it remains the governing influence of progressive humanity, do you think that this irresistible force that no man, no government, nor the combination of all the governments in the world, could withstand can be thwarted and defeated until it shall have asserted and established its authority over the practical operation of this Government, which theoretically is founded and built upon it? That Democratic principle of equality before the law, for which we will contend in this campaign, is the goal toward which the footsteps of man have been moving steadily and irresistibly for nineteen hundred years and which nothing can arrest. It will be presented clearly and unmistakably to the American people in proposals to remit taxes which no one can pretend to justify, either for revenue or for protection; and when the people realize that these taxes are naked exactions for the benefit of a few plethoric trusts their abolition will be immediate and permanent. [Applause on the Democratic side.] When a breach is made in the wall of this system, when the outward ramparts of protection are broken down, the citadel of fraud, of oppression, of robbery, will soon fall, burying under its ruin all the civic corruption, all this business corruption which have invaded our political as well as our industrial life. In its place will rise a nobler industrial structure in which fraud will find no hiding place, where oppression will not be tolerated, where honor will be the atmosphere breathed by men who, realizing not merely the immorality, but the wastefulness of plunder, will not seek to rob or oppress each other, but employ all their energies in mutual cooperation; will, by efficiency in industry, produce a volume of commodities, a degree of wealth and of prosperity unparalleled in the experience of nations. [Prolonged applause on the Democratic side.]

Mr. McNARY. Mr. Chairman, the strange spectacle has been presented during the present session of the Fifty-ninth Congress of the refusal of the House of Representatives to give a hearing to the representatives of one of the great industries of the country on a question which they considered of vital importance, namely, the removal or the reduction of the duties on hides and leather. The boot and shoe industry is certainly one of the great industries of the United States. According to the Twelfth Census, the capital employed in this industry in 1900 was \$101,795,233; the value of the products was \$261,028,580, and the number of employees was 142,922, which, on the basis of each wage-earner supporting four people, would make the total number of persons depending on this industry for sustenance about 572,000. This surely is one of the great industries of the country, and in the State of Massachusetts it is the largest single industry.

A few months ago representatives of this industry visited the capital and the Chief Executive, requesting Executive aid in procuring a hearing for their demands. The Republican State convention in Massachusetts practically instructed the members of the dominant party in Congress from that State to demand from their party associates immediate consideration of the requests of the boot and shoe manufacturers in favor of tariff revision.

The demand of the Republican Representatives from Massa-

chusetts has been ignored by the Republican stand-pat majority in Congress and by the stand-patters on the Ways and Means Committee, and the agitation has been characterized as merely a movement for the benefit of the Massachusetts industry, although on the delegation that visited the capital there were representatives of this industry not only from Massachusetts, but also from New York, from Illinois, from Wisconsin, from Minnesota, and from Missouri, showing that the movement is national in its character and not for the benefit of any particular section of the country. [Applause.]

Despite the denial of a hearing for the manufacturers before the Ways and Means Committee, where they might present their own case and state their position clearly and unequivocally, several members of the stand-pat majority have taken occasion to debate the question on the floor of the House, and while denouncing the boot and shoe manufacturers, have pretended to state their case for them. The statements of these stand-pat gentlemen, mainly from Ohio, have presented some curious points. In the past it has been the claim of those who favored protective duties that they were put on in the interest of developing home manufactures, so that the country might control its home markets by building up domestic industries, and it was also claimed that protective duties were necessary to protect American labor against lower-priced foreign labor.

It was the theory that when the industry was built up, if it no longer required protective duties, they should be abolished; but when the boot and shoe manufacturers came forward this year and asked that the duties on hides and sole leather be removed because they are injurious to their industry, they are, singularly enough, told that their views on their own industry are not to be considered; that their opinions are not to be taken; that they do not know what is good for them, and that their requests are not to be heeded, because somebody's profit on hide or leather would be interfered with. [Applause.]

Furthermore, they are told that no change in the tariff can be considered in any particular industry, because to do so would open up the question of tariff revision, and that the tariff is so sacred that it can not be touched, even though the representatives of one particular industry be practically unanimous in their request for relief. The boot and shoe manufacturers who have been met with this refusal of their demand for a change in the tariff, though they firmly believe that their future prosperity and the further development of their industry depend on it, have also been criticised on this floor for their presumption in asking for any changes, and this criticism has gone to the point of declaring them selfish in their request that their raw material should be made free while not being willing to have the duties on boots and shoes cut down or removed. This criticism of the manufacturers has always met with much applause by the stand-pat Members of the House. They have refused to allow the manufacturers to state their own case before the committee when they were perfectly willing to meet this question and place themselves on record, and they have ignored the public statements made by manufacturers, who are almost unanimous in their willingness to forego the duty on boots and shoes if they could get rid of the burdensome duties on hides and sole leather.

That this is so is seen from the statements of the manufacturers whenever they have been called upon to make them. Thus, in February, 1903, the Boston Commercial Bulletin, a Republican protectionist paper, owned and edited by Curtis Guild, jr., the present Republican Governor of the State of Massachusetts; a journal with which I am very familiar, having been connected with it for many years in the past as reporter and editor; made a canvass of the boot and shoe manufacturers of New England, and of the tanners of New England on these questions. Out of 375 New England boot and shoe manufacturers, 311 declared in favor of giving up the tariff on shoes if hides were made free. Of the New England tanners, 29 declared in favor of relinquishing the duty on leather if hides were made free, and only 11 opposed this action.

There is later evidence of this same character. The Shoe and Leather Reporter, of Boston, in January of this present year, 1906, sent out a circular letter to the leading shoe manufacturers of the United States, asking the following questions:

Are you in favor of the removal of the 15 per cent duty on hides and the 20 per cent duty on sole leather?

If you answer "Yes," are you willing to offer in exchange for these benefits to the shoe manufacturer the whole or any part of the 25 per cent duty on shoes?

To these questions 231 replies, covering all parts of the United States, were received.

The replies to the first question were practically unanimous in favor of free hides and free sole leather; and the replies to the second question showed that 140 were willing to have the whole duty on shoes removed; 38 were willing to have a part

of the duty, ranging from 10 to 15 per cent, removed; 33 were noncommittal, and 20 were opposed to the removal of the shoe duty.

These replies show that two-thirds of the manufacturers from all parts of the United States answer unequivocally in favor of the removal of the duty on shoes if the duties on hides and sole leather were removed; and the tenor of the replies from the rest would indicate that it is fair to assume that 90 per cent of the boot and shoe manufacturers would agree to the removal of the duty on boots and shoes if the duties on hides and sole leather could not be removed in any other way. It is also fair to state that there are some manufacturers who believe that the manufacturers of low-grade boots and shoes might need some protection from the competition of low-grade goods made abroad—say about 10 per cent in place of the present 25 per cent duty. The great consensus of opinion is, however, to the contrary.

These replies and statements made by the manufacturers openly in the trade journals of the industry disprove utterly the charge of selfishness made by the stand-pat defenders of the present tariff system. That this criticism is not a fair one is shown by the fact that they are not willing to give the boot and shoe manufacturers a chance to present their case, and are not concerned in increasing the future prosperity and further development of the boot and shoe industry, but their whole thought is to retain the duties on hides and sole leather for the benefit of certain interests which are now enjoying them. And in this, also, the stand-patters are not sincere. They declare that the duty on hides was put on in the interest of the farmer, that he has benefited by it, and that it should be maintained in his interest. It has not been shown on this floor that the great body of farmers and cattle raisers derive any material benefit from the duty on hides.

As is well known, there was no duty on hides from 1873 to 1897, and the farmers did not suffer, while the boot and shoe and the leather industries thrived. When an attempt was made to put a duty on hides in the McKinley bill, that great and far-seeing Republican statesman, James G. Blaine, denounced it as not in the interest of the farmer, but in the interest of the butcher—that is, the meat packer—and the attempt was abandoned. But the meat-packing interests were stronger when the Dingley bill was under consideration, in 1897, and succeeded in getting a duty placed on that class of hides which they controlled and would control. If it were a real movement in the interest of the farmer, the duty would have been placed on all classes of hides, but as a matter of fact no duty was placed on calfskins or sheepskins, goatskins, or horse hides, but only upon the hides of cattle—that is, of steers—the great bulk of which come into the hands of the beef packers through their purchase of steers from the cattle raisers. The beef packers were not in the market for calves, sheep, goats, or horses, and consequently no duty was imposed on these, though if protection to the farmer were intended they were just as much entitled to duty as the cattle hides. [Applause on the Democratic side.]

It has been claimed here, but not proven, that the farmer has been benefited by the duty because of the fact that hides have advanced in price since the duty was placed on. If the hides were sold separately from the animal by the cattle raiser, he would probably have been able to realize a profit in the advance of hides. But this is not the case. The great bulk of the cattle produced in this country and having hides of the class covered by the duty are bought by the beef packers from the cattle raisers, not on the basis of so much a pound for the beef and so much a pound for the hide, but on the basis of so much a pound for cattle on the hoof, and the prices which the packers paid for cattle on the hoof have not materially advanced in the past ten or twelve years. Thus, in 1893 and 1894, native steer cattle averaged 5½ and 6 cents per pound and native steer hides averaged 6½ and 7½ cents a pound. Since 1893 the average prices for native steer cattle have remained at about 6 cents and are about 6 cents to-day. Hides, meanwhile, have advanced more or less steadily up to 15 cents and even to 15½ cents per pound.

It is thus clearly seen that the prices of the cattle and hides have had very little to do with each other. Now, as the beef packers have bought 80 or 90 per cent of the steer cattle at about the same prices or less than they bought it in 1893 and 1894, it is evident that they have not paid the cattle raiser more for his cattle because of the advance in the price of hides. If the farmer or cattle raiser did not sell his cattle on the hoof and sold his hides separately, he could have realized an additional profit on the advance in hides. But, as a matter of fact, only a small percentage of steer cattle are sold that way—with hides sold separately—and only to small hide dealers in the country districts, and the few farmers who have sold to

them have made a little profit. But the beef packers have been lately buying up these small country hide concerns, and in a short time they will control them as thoroughly as they do other agencies of their business.

As a matter of fact, the farmer has been given a gold brick in the hide duty, and it is the endeavor of the stand-pat orators to make him still believe, against all the facts in the case, that it is a genuine article and is of value to him. The hide duty has been a value to nobody practically but the beef packers. It has given no benefit to the farmer and it has not caused the raising of cattle for their hides and has not increased the amount of beef production in the country. This is shown conclusively by the investigation of the cattle and beef industry conducted by the Department of Commerce and Labor on the resolution introduced by the gentleman from North Dakota in the Fifty-eighth Congress.

It has not stimulated the production of cattle so as to supply the demands of the shoe manufacturers in the hide market, as we are still being compelled to import from 25 to 33 per cent of the hides that we need in this industry. It has not yielded revenue of any great consequence to the Government. The average during the past few years has been \$2,300,000, less about \$680,000 average drawback, as 99 per cent of the duty is refunded when leather made from imported hides is exported. Thus the foreign manufacturer of shoes is able to buy American tanned leather nearly 15 per cent cheaper than our own manufacturers can in the domestic market, because the American hide market is controlled by the beef packers, who get the full benefit of the 15 per cent duty on hides.

The great advance in the price of hides has not been due entirely to the duty, but has been due to the scarcity of hides from various causes throughout the world and the increased demand for leather for various purposes for many branches of industry outside of boots and shoes. Thus foreign hides have advanced as well as American hides, but, owing to the duty, American hides have advanced more than foreign hides, and the beef packers have been enabled to realize a greater profit, owing to the duty, than they possibly could with the hide market free. Despite the duty, we have to import from a quarter to a third of the amount of hides needed to supply our wants, and the duty is an obstacle to the proper supply of our needs. It enables the foreign manufacturer of leather, both in Europe and Canada, to underbuy us and procure their raw material cheaper than it is possible for us to procure it.

Before the imposition of the hide duty our ports, notably Boston, were great hide markets, but since the duty was put on this business has shrunk and fallen away. For instance, outside of the hides which we buy direct, the South American producers send or consign their hides to the European markets, and in return naturally take the manufactured goods from those countries. We thus lose this commerce, and we lose the profit on tanning the hides and making them into leather and into shoes, because if we had free hides no country in the world could compete with us in the making of leather, as this country is supplied more abundantly than any other with the materials for tanning. We have the hemlock in the Northwest and the oak in the South. England has practically neither. Canada has the hemlock, but not the oak.

Thus if we had free hides and a choice of material, we could absolutely control the leather markets of the world. We have shown that the tariff on hides benefits the packers and not the farmer. The shoe manufacturer finds it a great burden on his industry because of the increased price which he has to pay for sole leather, which enters into the manufacture of nearly all grades of shoes and of which the poorer classes of shoes, used largely by the farmers, are almost entirely composed.

Estimates of the difference in cost of shoes resulting from the high tax vary considerably; it has been stated in some quarters as high as from 4 to 7 cents per pair, according to the class of goods. This may be so in some cases, but on the other hand, the gentleman from Ohio [Mr. BANNON] has figured out that the extra cost on a pair of shoes on account of the high tax does not amount to more than 1½ cents per pair. This is distinctly an underestimate according to the statements of shoe manufacturers. The gentleman from New York [Mr. PERKINS], representing the shoe manufacturing district of Rochester, has stated that the duty makes a difference of at least 1½ cents on each pound of hides, and figures that it would make a difference on the average in a pair of shoes of 2 cents. This is an underestimate, in my judgment, based on the statements of shoe manufacturers in my own State, but if we accept it for the sake of argument, it will even then show what a great burden it is to the shoe manufacturers. Two cents a pair would seem to be of no consequence and not worth considering, and neither would it be in some of the great protected industries of the country

whose enormous profits are defended by the stand-pat protectionists and in whose interests these gentlemen demand that the tariff must not be revised. It is easy to be seen, however, that it makes a great difference to the boot and shoe manufacturers.

It should be borne in mind that this is the last great single manufacturing industry in this country which is not controlled in a greater or less degree by a combination or trust, and this fact should commend it to the favor of Congress and the law-making power. The boot and shoe manufacturers meet each other in full and fair competition, and the prices of their product are fixed in the free and open market. As a result of this it is generally conceded that the profits of this industry do not exceed 5 per cent. It may be fairly estimated that at the present time, with the high price of hides and leather, the average cost of a pair of shoes to the manufacturer, taking all classes into consideration, is, perhaps, about \$2.

The profit to the manufacturer at 5 per cent would be, on the \$2 cost basis, exactly 10 cents per pair. Thus if the increased cost because of the hide duty is reckoned as low as 2 cents per pair, this cost would be equal, on the \$2 basis, to one-fifth of the profit of the manufacturer, or 20 per cent of his profits. In view of the small margin of 5 per cent profit to the manufacturer, is it not worth while to save this cost?

Let us state the matter in another way and see what it amounts to in the aggregate, this small amount of 2 cents per pair. According to the census returns the total quantity of boots and shoes manufactured in 1900 was 219,235,419 pairs—let us say 219,000,000 pairs. At 2 cents per pair the extra cost because of hide duty would amount to \$4,380,000, which represents the extra cost to the manufacturers because of the hide duty and which accordingly represents the extra profit wrung out of this industry by the beef packers of the country. This amount, it will be conceded by everybody, is well worth saving to this industry. If the manufacturers could save this amount and could get their raw material cheaper they would have that much additional free capital to invest and could increase their production and could give more and steadier work to their employees and also better wages.

But the gentlemen who defend the hide duty declare that this would accrue to the manufacturers and perhaps to their employees and would not extend to the consuming public. Even if this were so, it would be a benefit to the country that this additional profit should be divided among the manufacturers and their employees rather than go into the pockets of the beef packers. But, as a matter of fact, it would inevitably tend to be distributed to some extent to the consumer. Every improvement in the process of manufacture by which the cost is reduced in a business conducted on such a narrow margin of profit inevitably reaches the consumer in a short time by an improvement in the quality of the goods.

The boot and shoe manufacturing industry not only needs the abolition of the duty on hides, but it demands the abolition of the 20 per cent duty on sole leather as well. Sole leather is made from the heavy cattle or steer hides, the kind protected by the duty and the supply of which is controlled by the beef packers' combination. The sole-leather business has for years been in the control of the United States Leather Company, which was organized in 1893 to control the sole-leather industry, which to a very great extent it succeeded in doing. The beef packers' combination, which controls the supply of cattle or steer hides, has within a few years extended its operations, and by buying into the United States Leather Company secured control of the sole-leather trade as well as the hide trade. After securing control of the United States Leather Company, the beef packers' combination, about a year ago, organized the Central Leather Company, in order to perfect their control of the sole-leather trade. This Central Leather Company is practically the United States Leather Company reorganized. It manufactures sole leather entirely. It controls, or soon will control, from 80 to 90 per cent of the sole-leather output of the country.

It may be contended that this is not so and that there are a number of large independent sole-leather manufactories or tanneries in existence; but the Central Leather Company has lately bought out ten of the largest of these tanners, including the great concerns of N. K. Allen, of Kenosha, Wis.; Lucius Beebe & Sons, Olean, N. Y.; Cover, Dayton & Leonard, who had four big Texas oak tanneries in Virginia, Tennessee, and different parts of the South. This removed practically all opposition they had in Texas oak tanning. It has also bought the Independent Leather Company, of New York State, which controlled two or three tanneries. It has also bought the Watlin tannery, of Grand Rapids, Mich., and it was also understood to be negotiating for the Michigan Leather Company when the latter burned down a while ago. These purchases have been made

in about a year, and the amount paid for them, with the exception of the Watlin tannery, was about \$8,750,000.

The capitalization of the company is as follows:

| | | |
|-----------------|-------|--------------|
| Bonds | ----- | \$45,000,000 |
| Preferred stock | ----- | 40,000,000 |
| Common stock | ----- | 40,000,000 |
| Total | ----- | 125,000,000 |

The sales of this company are estimated at \$40,000,000 per year and they propose to pay on bonds 5 per cent, and on stock 7 per cent. This equals \$5,000,000 on \$40,000,000, which is therefore equivalent to 12½ per cent on the capital stock. This great dividend it is proposed to make on a product which is within about 5 per cent of being a raw material—that is to say, it only costs about 5 per cent in unskilled labor to make sole leather. But the Central Leather Company is now making 12½ per cent, and must make more if they are to pay on common stock, which is promised, and as a result the common has sold above 40.

In contradistinction to these great earnings on what is the next thing to a raw material, contrast the average of about 5 per cent profit by the shoe manufacturers on goods which take 25 per cent in labor cost to produce. The continuance of this great duty on sole leather is a burden to the manufacturer of boots and shoes and a benefit to nobody but the Central Leather Company, which is now in practical control of the sole leather market, and which is in turn controlled by the beef trust. The beef trust, it thus appears, is extracting a profit from the boot and shoe manufacturers both by reason of the tariff on hides and the tariff on sole leather. An additional proof that we need no duty on sole leather is shown by the fact that we have a big export trade in that class of goods and that this trade is yearly increasing. As a matter of fact no country in the world can compete with us in the manufacture of these goods, because we have greater supplies of hemlock and oak bark and can thus produce better and cheaper hemlock and oak sole leather.

Canada might compete with us on hemlock tanned leather, but it can not on the oak tanned as it has not the supply of oak bark. The fact that the Central Leather Company is able to export annually millions of dollars of sole leather is the best proof in the world that it needs no protection, and a continuance of the protection of sole leather is merely in the interest of this corporation and its owner, the beef trust.

It is claimed by the stand-patters that as we are steadily increasing our exports both of boots and shoes and leather and the manufactures of leather, that therefore we need no change in the protective duty. It is true that we have steadily increased our exports of leather and its manufactures and of boots and shoes; thus the exports of leather and the manufactures of leather increased from \$33,980,615 in 1904 to \$37,936,745 in 1905, and the exports of boots and shoes increased from 4,642,531 pairs of a value of \$7,238,940 in 1904 to 5,315,690 pairs, valued at \$8,057,697, in 1905. This increase in exports, however, has not been due to the tariff, but has occurred in spite of it.

Upper leather, which represents a great portion of the exports, is made from that class of skins and hides which are not dutiable, and sole leather made from foreign hides receives a drawback of 99 per cent when exported, and thus on this class of goods, with our superior tanning facilities, we are not at any disadvantage with any foreign producer. But the exports of shoes, it is claimed by protectionists, are on a different basis. Here we are exporting a product on a large part of the material for which a protective duty is levied in the tariff on hides. This is correct and it is also true that our export shoe trade has gained greatly in recent years, but it has gained almost entirely along certain lines, and that is in the better grade of goods.

We have been able to export them, despite the tariff tax on hides, because of their superior design, cut, finish, quality, and more comfortable wearing characteristics. As regards these shoes, the increased labor cost in this country is more than offset by the qualities noted above. But the increased labor cost is in some respects a misnomer, as the American workman produces a far larger quantity as well as better goods than even the intelligent English workman, though the latter may be equipped with American machinery, and thus the American workman can earn \$15 per week as against \$7.50 paid to the Englishman, and at the same time the shoes produced by the American workman can be sold in competition with the English-made goods in the English market.

We do not, and under present conditions can not, export the cheap, strong, heavy shoes which are worn by the great mass of foreign peoples, and thus furnish the greatest opportunity for the extension of our foreign trade. Our foreign competitors make them from American-tanned sole and upper leather, which they

frequently are able to buy, because of our duties on hides and sole leather, at lower prices than the American manufacturer, and they are thus able to keep us out of the market which with our skill, enterprise, and superior cut, finish, design, and quality of our shoes would be naturally ours if we had the advantage of free raw material. If we can export great and increasing quantities of leather and boots and shoes under present conditions of handicap by the tariff tax on hides and sole leather, who can doubt that we would wonderfully increase those exports if we had equal opportunities in the purchase of raw material?

The reports of the Twelfth Census show that the maximum yearly capacity of the combined factories of the United States is slightly under 400,000,000 pairs, while we produce but 219,000,000 pairs, thus showing that all the factories running at full capacity would require not exceeding seven months to produce all the shoes consumed in the United States and those exported for the year ending June 30, 1900.

This shows the absolute necessity of enlarging our market for boots and shoes, and that market can only be enlarged in one way, and that is by increasing our foreign trade. With free raw materials this increase could undoubtedly be made sufficient to run our factories at full time, thus giving five months' more employment and consequently five months' more wages to our highly skilled workmen and also an additional profit because of increased business to our manufacturers. It would undoubtedly require a larger capital, but as there would be a greater and a steadier output, the cost of production, as compared with fixed charges, ought to be decreased, and this in turn ought to bring about lower prices for our shoes, not only in the foreign markets, but for home consumption as well.

Without the removal of the duties on hides and sole leather it is evident that the beef packers and subsidiary leather companies will soon absolutely control the price of sole leather in the market and that the manufacturers will in a short time be at the mercy of this combination. On the other hand, the boot and shoe manufacturers are largely at the present time dependent for their machinery on a trust called the United States Shoe Machinery Company, which controls by means of patents and otherwise nearly the whole of the machines necessary for the production of boots and shoes, and this machinery is not sold outright by this company to the shoe manufacturers, but is very largely leased to them.

The prices at which the machines are leased are controlled absolutely by the shoe-machinery company, and it has the power to increase these royalties or prices for its machines whenever it feels that a good opportunity to do so has arrived. With the steadily increasing control of the hide and leather market by the beef trust and the practical control of the machinery necessary for the manufacture of goods by the shoe-machinery company, it is conceivable that under present conditions the time is not far distant when the boot and shoe manufacturers of this country may be forced by a combination of interests between the beef trust and the Central Leather Company and the shoe-machinery company, out of their present semi-independent and competitive position into a combination for the control of prices and profits. It is entirely within the range of probability that if these two companies get together or consolidate, by purchase or otherwise, that they could dictate terms and assume practical control of the whole shoe manufacturing industry of this country.

If the independent and free competition is to be preserved among the shoe manufacturers the tariff duties must be either entirely abolished or greatly reduced. [Applause.]

This states the situation of the boot and shoe manufacturers of the country as a whole, but the situation in Massachusetts by itself presents some aspects which are additionally serious to the future of this State. This State, according to the last census, continued to rank No. 1 in every respect in this industry, but a change has taken place which merits serious consideration on the part of the people of the State. The output of the factories in Massachusetts for 1900 was \$117,115,243, or 44.9 per cent of the total for the entire country, compared with 52.7 per cent in 1890, a decrease of 7.8 per cent. The census returns also show that the capital employed in Massachusetts was \$37,577,630 in 1900, as against \$44,567,702 in 1890. The number of wage-earners in Massachusetts engaged in this industry in 1900 was but 58,645, as against 67,374 in 1890, and the total wages paid was \$27,745,820 in 1900, as against \$32,379,899 in 1890. This shows a decrease in all these items—which can not be said to be compensated for by the total increase in the value of the product—of about \$1,000,000.

Massachusetts has seen many of her industries in the past transferred to other States because of the burdensome tariff conditions, and while the day may seem far distant, it is a question, in view of the light of previous experience, whether

or not our great boot and shoe industry may not also be largely transferred to the Western States, nearer the sources of supply of the leather and the tanning material, if present tariff conditions continue. We still tan considerable quantities of upper leather, but tanning of sole leather has practically ceased as an industry in this State. Yet within a few hundred miles to the north there are inexhaustible supplies of hemlock bark, and with free raw material our industries would be placed on an equality with those of the West, which are now nearer the tannery centers.

All these considerations should furnish a reason why Massachusetts, through her Representatives in Congress, should insist more strongly than ever that a change be made in the present tariff taxes, and while the subject is not at present a party question in Massachusetts, it does not require much foresight to predict that if the dominant party in Congress will not grant the relief which the State desires, the people of Massachusetts, when satisfied of this fact and of the threatened decline or loss of this great and important industry, will turn to the other party for relief. [Applause on the Democratic side.]

That there is a strong, well-defined, and steadfast feeling of this character existing in the State is shown by the victory won in the election of Governor Douglas on a tariff-revision and reciprocity platform in 1904, and a victory, to all intents and purposes, won by Henry M. Whitney on issues of the same character in 1905, when he cut down the normal Republican majority of seventy or eighty thousand to less than 2,000 for Eben Draper, his opponent for lieutenant-governor. [Applause.]

Mr. Chairman, if my time permitted, I should, in addition to the foregoing remarks which I have made on the subject of the tariff as it relates to the boot and shoe industry, enter into a discussion of a subject in which the people of Massachusetts are as deeply concerned and I think as much interested as they are in the question of the hide and leather duties, and that is reciprocity with our neighboring countries to the north, Canada and Newfoundland. This subject is so completely, exhaustively, and convincingly treated in the address of Hon. Henry M. Whitney, president of the Boston Chamber of Commerce, on the topic of commerce before the Boston Boot and Shoe Club on March 16, 1904, that I shall present, therefore, as a portion of my own remarks, his address on this occasion, which is as follows:

Address of Henry M. Whitney, president of the Boston Chamber of Commerce, upon the subject of commerce before the Boston Boot and Shoe Club, March 16, 1904.

MR. PRESIDENT AND GENTLEMEN OF THE BOOT AND SHOE CLUB: I desire to thank you for the warmth and cordiality of your reception. The subject on which I am asked to speak is that of "Greater Boston from the Standpoint of Commerce." I understand this to mean commerce in the general acceptance of the term—viz, foreign commerce. Foreign commerce means foreign trade, which is the exchange of the products of a foreign country for the products of a home country. The commercial prominence of Boston, such as it is to-day, is due to the fact that she has hitherto offered facilities for these exchanges. The question is whether this trade, together with our other industries, is likely to be retained and increased or whether it is to remain stationary or suffer a decline.

The essential requisites for a large foreign commerce are, first, a good harbor, easily accessible from the sea, with plenty of anchorage ground and good water frontage; secondly, it must be located near to the producers in the home country or be connected with them by cheap and easy methods of transportation. The limit of the trade of such a port will be measured by the limit of the area within which it will be for the interest of the producers to send there such of their products as they may wish to exchange for the products of other countries.

The trade limits of all the coastwise cities in America, and, indeed, all over the world, have been very greatly enlarged within the past sixty or seventy years by the introduction and development of the railway system. Before then, outside of the water courses, inland transportation by horse or ox teams was then, as it is now, too expensive to admit of the movement of heavy articles of freight for any considerable distance. To move 1 ton of freight for 15 miles over country roads would probably constitute a day's work for two horses and a driver, at an expense of, say, \$4. On this basis, to carry a ton of freight as far as the city of Providence would require three days of time and cost about \$12. To go as far as Springfield would occupy about seven days and cost \$28. Anything going, therefore, from Boston to Providence or Springfield in the early days went by vessel around the cape and up Narragansett Bay or the Connecticut River to its destination. But it was easier to reach New York by water than Boston, and hence the trade along the rivers emptying into Long Island Sound, as well as the trade on the Sound, became tributary to the city of New York. Her location gave her command of the trade of extensive water courses in New Jersey, New York, Connecticut, Rhode Island, and, to some extent, in Massachusetts, and she early became a great commercial center. She had a fine harbor for foreign vessels to enter, and by means of cheap water transportation was near to the home producer. But the introduction and development of the railway system enlarged the trade area of New York as well as of Boston, and, indeed, that of all coastwise cities. To-day the cost of transporting a ton of freight two days' journey, or 30 miles, into the country by team would carry it half across the continent by rail. But cheap as transportation is by rail, and assuming the cost to be only one-half a cent per ton per mile, it is still very costly as compared with transportation by water. It would cost \$1 to transport a ton of freight a distance of 200 miles even at one-half a cent per ton per mile, while by the modern steamship it would cost hardly one-tenth of that \$1 to transport it that distance.

From my connection with the Dominion Coal Company, I am familiar with the cost of transporting coal, which corresponds in expense very largely with that of transporting grain. It was estimated that the

cost of transporting coal by steamers, chartered for the purpose, was equivalent to 5 cents per ton per day for the coal carried. The distance which a steamer would go in twenty-four hours is about 250 miles; the transportation cost was therefore 5 cents a ton for carrying it 250 miles, or one-fiftieth a cent per ton mile, which you will see is very much less than rail cost of one-half a cent a ton a mile.

This will serve to explain why Boston has so little advantage over New York and other ports by her shorter distances across the Atlantic to ports in the United Kingdom and elsewhere. And I think it will also make clear why the tendency of the trade in grain and cotton from the far distant fields of the West and South will, with the development of the railroad systems of the South and West, find their cheapest and best outlet at the cities of the southern seaboard. Less and less of such freights as we have heretofore carried from those sections will be sent here for foreign shipment. In confirmation of this statement, I would call your attention to the fact, doubtless already known to most of you, that in the last year Boston dropped from the position of the second port in the country in the value of its foreign trade to the third place, New Orleans taking precedence of her. For the first time in her history Boston has had to yield the second place to a rival port.

Now, are there any trade areas that are naturally tributary to the port of Boston and whose trade she could secure and under natural conditions forever hold? And are they sufficiently extensive to make her a great mart of commerce? There are such areas. They include all the territory to the north and east of us, comprising the States of Maine, New Hampshire, and Vermont, and, in addition, the Provinces of New Brunswick, Nova Scotia, Prince Edward Island, Quebec, and Newfoundland. Much of this territory is intersected by numerous bays and inlets, affording a cheaper than rail transportation, viz, transportation by water, and it is this trade we must have if we are to continue to grow in our commercial importance.

We want the people from all this area to send their surplus products here for exchange with the products of other sections. Let them come, bringing the products of their localities and find here a friendly welcome.

We will take their butter and cheese and eggs, a hide or two perhaps, their lumber and fish, and the other products of their localities, and we will give them in exchange the boots and shoes, furniture, dry goods, and the other things they may want, the products of our manifold industries, to the general benefit of the laborer in these varied industries, together with fruits, groceries, and the infinite variety of goods gathered from other climes.

The quantity of these agricultural products produced in the State of Massachusetts does not anywhere near supply the demand; indeed, supplies but a small fraction of it. Our present supply comes from far distant points, and there is still a surplus in the whole country which must be sold in foreign markets, so that the price of these articles in this market can in no wise be materially affected.

In the year 1902, which is the last year of which we have the full reports, the importation of butter, cheese, and eggs from the United States into Canada amounted in value to about \$360,000, while they sent us of these products but \$88,000. Of fish, they sent us about \$4,000,000 worth. Now, in certain quarters, whenever the subject of reciprocal trade with Canada and Newfoundland has been under discussion, it has been waved aside as impracticable, largely because of the possibility of its cheapening somewhat the price of fish. While I doubt if this would really be the effect of free entry of fish into our markets, yet if it were so, it would do no great harm to the mass of people. The advantage to the trader of handling the larger quantity would, it seems to me, more than compensate for some falling off in the earnings of the vessels, if, indeed, there should be any.

The population of the north and east with whom our trade is hampered by restrictive legislation, the inhabitants of the maritime Provinces, Quebec, and Newfoundland, is about equal to the population of the States of Maine, New Hampshire, and Vermont, and nearly one-half of Massachusetts; in all, more than 2,700,000 in number. The import and export trade of those people, based on the average of the imports and exports of Canada per capita in 1900, amounted to \$200,000,000. There is, moreover, a larger territory in the Canadian northwest, much of whose trade, especially during the winter season, finds its easiest and cheapest route to the sea through the port of Boston. It is estimated that within this territory there are 300,000,000 acres of arable land, of which but 3,000,000 are now under cultivation.

The vessels that sail from Gloucester in the cod and mackerel fisheries carry between four and five thousand men, one-half of whom are aliens. There are therefore about 2,500 American seamen who might be slightly affected by the competition with their Canadian neighbors. Shall the best interests of 3,000,000 people, the inhabitants of the State of Massachusetts, and 3,000,000 in Canada be sacrificed for the benefit of this comparatively small number?

Besides this, if the price of fish would be really cheapened by this proposed change, isn't it about time that the American people stopped paying tribute on this necessary article of food? They have been paying it for more than thirty years, which, it seems to me, is long enough.

What is the history of the industry? In 1803 the tonnage of the vessels enrolled in the cod and mackerel fisheries was 43,416 tons. In 1853 the tonnage had increased to 159,000 tons. It increased under nine years of reciprocal trade to 193,000 tons in 1862, and in 1902 it was back to the figure of one hundred years ago; to be exact, 44,074 tons in 1902, as against 43,416 tons in 1803, or an increase in one hundred years of 600 tons, or 1 1/2 per cent.

The number of vessels in the whole State engaged in these fisheries in 1803 was 1,497; in 1902, 539. What is the meaning of all this? Why, either that there must be certain advantages in the fishing privileges of Canada or Newfoundland which our fishermen do not now enjoy, and which, under reciprocal relations, they would profit by, or else that the fishing business has ceased to be attractive to American seamen.

The Gloucester fisheries have been called the "nursery of the American Navy." They have long ceased to be that. The records show that a total of 12,553 men enlisted at recruiting offices during the year ending June 30, 1903, but 1,464 enlisted in Massachusetts. Of this number, 1,451 enlisted at Boston, 1 at Provincetown, 11 at Springfield, and 1 at Salem. There is no evidence to show that of the enlistments at Boston a larger proportion came from the fishing districts than elsewhere in the State. It is also to be said of the number enlisted at Boston that a part of them drift in here from other New England States. Massachusetts is not even the first State in the Union in the number of enlistments in the Navy. In 1903 New York was first, with 1,643 enlistments, Massachusetts was second, and

Pennsylvania a close third, with 1,282 enlistments. It is interesting to note the enlistments from some of the other States, namely, California, 998; Missouri, 904; Illinois, 733; Ohio, 572; Texas, 548.

I do not know a single industry in the State of Massachusetts, save only the fishing industry—and I can not understand why that should really suffer if the men in charge of it are "up-to-date" business men—that would be materially injured if trade were made absolutely free between the two countries. If the merchants of Boston and New England were permitted to trade as freely with their neighbors on the north and east as with their neighbors to the south and west, there would soon be no question in the mind of anybody as to the position which the city of Boston would occupy in the commercial world.

I have called attention to the difference in the cost of rail and sea transportation, which is an important fact in connection with the future growth of our business on Canadian transcontinental lines. The distance from Montreal and Quebec to the city of Boston is less than to any other seaport that can be used by freight reaching the seaboard in the winter season.

From Montreal to Boston is 341 miles; from Montreal to New York, 384 miles; Montreal to St. John, by way of the Canadian Pacific Railway, 481 miles; Montreal to Halifax, by way of the Canadian Pacific Railway, 736 miles; Quebec to Boston, 417 miles; Quebec to St. John, 577 miles; Quebec to Halifax, 674 miles.

You will observe that the saving in mileage on freight bound for a seaport from Montreal and Quebec, is from 150 to 300 miles or more in favor of Boston. This means a saving of from 75 cents to \$1.50 a ton on freight, which is sufficient in the long run to give the port of Boston the control of that freight, assuming that our relations are friendly and freight is permitted to come and go freely—that is, without trade restrictions between the two sections. There is no great difference between the port of Boston and Liverpool and the ports in the maritime provinces and Liverpool, but the rail route being so much shorter, passenger travel would naturally take this route, and the logic of events will compel freight to come the same way.

I think it is not too much to say that if the reciprocity treaty of 1854 had been continued, and cordial relations maintained with the people of Canada, the eastern terminus of the Canadian Pacific Railroad would have been established here in Boston and our commercial eminence made secure.

Why shall not the city of Boston and its people enter into and enjoy this trade? Why must we be compelled to treat our neighbors as our enemies, instead of as our friends? Why should the people that God hath joined he kept asunder? Why shall not reciprocal trade relations with the people I have referred to be established, for the common good? Is there anything really alarming in that they may wish to bring in a little butter and cheese, some poultry, a few eggs, some lumber, and perhaps some fish, or indeed anything else they may wish to bring?

It is commonly known that at one time I was at the head of two important industries in Canada, namely, the Dominion Coal Company and the Dominion Iron and Steel Company. I retired from the management of these two companies more than two years ago, and have little or no interest in them at the present time; but my connection with these companies has enabled me to know from actual experience something of the advantages that would accrue to New England interests were the products of these two companies allowed to come in here without the excessive duty now prevailing.

The Boston and Maine Railroad has found, as before it the Canadian Pacific and Grand Trunk railways found, that the Cape Breton coals are excellent for steaming purposes. Indeed, the president of the Boston and Maine Railroad, Mr. Lucius Tuttle, informed me not long since that but for the fact that the Dominion Coal Company was able to supply them with coal they would have been compelled last winter, for want of fuel, to take off many of their trains, to the great disadvantage of the business community, so that it has been demonstrated that this coal is suitable for railroad purposes.

The steamships that ply on the St. Lawrence, which are in all respects similar to those entering Boston Harbor, have found it, and still find it, to their advantage to use these coals. The mills in New England that have given the coal a trial have found that it answers their purposes excellently well. Were the duty on coal permanently removed, the Dominion Coal Company would undoubtedly establish here a large depot for the supply of the railroads, the steamships, the mills, and, ultimately, many of the people, when, by experience, they have learned how it should be used. Similar conditions prevail in regard to the steel company.

Coming on from New York one afternoon less than a month ago, I chanced to have a seat in the Pullman car directly in front of the manager of the National Steel and Wire Company, one of the largest of whose works is located in New Haven. He told me that during the last year he had purchased 70,000 tons of steel billets from the Dominion Iron and Steel Company, at Sydney, and, opening his satchel, he took from it a photograph of a steamer lying alongside his wharf at New Haven which he said was loaded with 7,000 tons of billets for his company. Now, the duty on these billets is \$6.72 a ton, which was the price that this New Haven company was obliged to pay the United States Government for the privilege of trading with the Canadian company.

In looking over the statistics for 1900 I find that the iron and steel products of the State of Massachusetts amounted to the sum of \$56,000,000. Think what advantage it would be to these and kindred industries if they were at liberty to buy their raw material in the cheapest market. Mr. LOVERING, the Representative from the Cape district, has vainly tried to have the provisions of the existing drawback law extended so that goods manufactured here solely for export could be secured on terms favorable to such export trade. Nothing could be more advantageous to Massachusetts interests; nothing could be more in harmony with the policy of encouraging the export trade, with increased employment for labor, than the extension of the drawback system as advocated by Mr. LOVERING. What, think you, would be the effect on the iron and steel industries to which I have referred if they could avail themselves of the markets of the world for their purchases. These industries would be stimulated, the number of men required would be vastly increased, and their products increased in like proportions.

The objections to the establishment of reciprocal trade with Canada and Newfoundland, as regards the interests of the State of Massachusetts, seem to me to be so trivial and the advantages of it so apparent and so enormous that I can not understand why any political representative of the State should not be outspoken in advocacy of such a measure. If it were once understood that the merchants of Boston and of Massachusetts were really in earnest about this matter, the problem would be solved, so

far as our Representatives are concerned. I know that a very strong latent feeling exists among the merchants generally in favor of an enlargement of our trade on the lines I have indicated, but they have been too content to pass a resolution here and there and expect their political representatives to do the rest. It is evident that something more must be done. We can lie supinely down and let the car of progress go along without us, and Boston will become what, under those circumstances, she deserves to become, a commercial city of the second or third importance. If the merchants of this city will arouse themselves and determine that this thing shall be done or they will know the reason why it can not be done—if this really be the sentiment of this community, its political representatives must stand for it whenever it may be under discussion. If the merchants of this city are but loyal to the interests of the State, their own business interests, the interests of their employees, to their own children and posterity, they will gird their loins and fight this battle to a finish.

This great undeveloped country to the north and east of us affords abundant opportunity for New England enterprise and capital. It affords abundant opportunities to the youth of New England, and especially to the graduates of its universities and technical schools.

The establishment of friendly trade relations will be followed by the establishment of friendly social and political relations, the value of which to the welfare of the two countries and the peace of the world can not be overestimated.

Mr. President and members of the Boot and Shoe Club, the natural advantages of the port of the city of Boston have destined it from the foundation of the world for a great commercial center. Whether she shall become so in your day or in mine rests almost wholly upon the question of how soon and to what extent the shackles that now bind and limit her trade development shall be loosened or removed.

Nature has done her part. Given the opportunity the merchants of Boston will do the rest. To secure this opportunity we must join forces with others animated by like purposes, must work early and late, in season and out of season, through evil report and good report, until in the fullness of time we may enter into the enjoyment of our rightful heritage of trade and the city of Boston become a great commercial center.

I am well aware that the sentiments of this club are in harmony with my own and with those of the Boston Chamber of Commerce, and I beg leave to say to you at this time that there is no association of men in the State better fitted than yours to lead in this matter; the character and standing of your people, the magnitude of your business operations, the remarkable courage, energy, and skill with which you have conducted your affairs all make it eminently proper that you should take the lead in the campaign that must be waged for the promotion of the cause; but if it is thought best that the older association that I have the honor to represent shall stand in the van, we will do so, understanding that you will stand shoulder to shoulder with us, giving us your hearty cooperation and financial support.

I append also as a portion of my remarks a letter received by me from F. W. Merrick, of the Union Welting Company, of Boston:

UNION WELTING COMPANY,
CONTINUOUS SOLID LEATHER SEAM WELTING,
Boston, Mass., January 25, 1906.

W. S. McNARY,
House of Representatives, Washington, D. C.

MY DEAR McNARY: Permit me to add a word of protest against the duty on hides. I believe if the people of the country knew the true inwardness of the duty on hides, as we do who suffer directly from it, there would be such an outburst of indignation that the duty would be removed at this session.

There are 200,000,000 pairs of shoes made in this country per year. Owing to the increase in leather prices there has been an increase of 30 cents per pair in prices. Who pays this \$60,000,000? Who gets it? What is the purpose of the duty? To help the packers throttle the leather industry.

The beef trust now absolutely controls the situation, and the game is to so dominate the shoe trade that all the profit shall go to the leather trust. A combination of the leather trust and shoe-machinery trust absolutely controls the shoe-manufacturing business of this country to-day, strangles all independent effort, and will surely put us in the rear in the international race for business. Two men can dominate this immense business, and yet we hear cries of alarm about the concentration of power in the hands of the Government at this time.

It is true there is a scarcity of calfskins. Before the Russian war 8,000,000 calfskins came into this country annually. Now practically none are coming, and the people are forced to use as substitutes cow hides and sheepskins, and the duty on hides help the packers to add to the burden of a natural scarcity.

We use in our business a rough split leather. The leather that we used last year is now being sent out of the country, and we are forced to pay 50 per cent more for our leather than we did a year ago. We try to raise our prices on the finished product, and are met with the statement of one of the largest manufacturers that he is obliged to skin his shoe in every possible way, and will use a cloth substitute for our leather, because the wearer can't see it.

In order to keep whole the manufacturer is forced to offer a poorer shoe at an average increase in price of 30 cents. The hide duty both robs and cheats the wearer of shoes.

I asked a prominent maker of patent leather to-day if he would be willing to forego the duty on patent leather if the duty on hides was removed. He said, "Certainly; the duty is no protection to me. I can make better and cheaper patent leather than anyone in Europe if I can get my hides on an even basis."

The hide duty protects no one but the packers. Not content with the advantages which they derive from their monopoly of slaughter hides and unfair advantages in transportation, the packers seek and get from the Government a special privilege to strengthen the grip with which they are strangling the independent shoe manufacturers of this free country.

I am a Republican and so is my partner, but we shall both vote the Democratic ticket so long as the Republican party continues to help the strong and rich rob the helpless and the poor.

Yours, very truly,

F. W. MERRICK.

I also append, as a portion of my remarks, the address made by Charles E. Jones, president of the Commonwealth Shoe and Leather Company, of Boston, before a convention of the Na-

tional Shoe Wholesalers' Association of the United States held in Boston, January 25, 1906. Mr. Jones's address is as follows:

Address of Charles E. Jones, of Commonwealth Shoe and Leather Company, Boston.

Before beginning my formal address I want to express to this association my high appreciation of their enterprise and public spirit in calling together a gathering of this character. The subject assigned for the discussion is a timely one and vital to every branch of the industry throughout this country; and the effort which evidently has been made, not only by the speakers who are members of the organization, but by the distinguished guests you have invited, is such as merits not only the thanks of the association, which I know will be tendered, but I feel like expressing my individual hearty appreciation of their kindness and thoughtfulness in placing before us the facts that will enable us, if we use them rightly, to guide our business successfully during the coming months.

I also wish to express my personal appreciation of the courtesy and good feeling shown by the distinguished guests of the association who have joined with us to-day in our effort to obtain a broad and accurate view of the situation.

GENERAL TRADE CONDITIONS.

Every one present is, of course, aware of the general trade conditions. A strong, steady, and almost unparalleled demand has absorbed all classes of merchandise as fast as the mills and factories could produce it. Imports have been tremendous, and exports of record proportions. Labor has been fully employed at good rates of wages. The farmers of the West and planters of the South have both been blessed with crops and prices to their satisfaction, and the country as a whole is enjoying unquestionably a greater and more general prosperity than ever before. There is, however, one circumstance somewhat out of harmony with this general condition, which is attracting to-day considerable attention and thoughtful consideration, and which has, I believe, a direct bearing on the question under discussion. I refer to the greatly increased cost of living. Statistics have been prepared, and frequently quoted of late, showing plainly that the cost of the necessities of life has increased much more in this country during the past five years than has the earning capacity of the people. They also show that the cost of living has increased more in this country than in other countries.

When these statistics were made up they did not include the increased cost of shoes, so that increase had not then taken place, but when they are again prepared, if the present conditions continue, they will have to include, not only shoes, but harnesses, saddlery, belting, trunks, bags, and a host of other articles made out of leather which are in general use.

PUBLIC SENTIMENT.

The last political campaign in this State indicated plainly that there is a widespread and well-defined feeling among the people that existing conditions in regard to trade and the prices of commodities are not right. That feeling is beginning to make its presence felt in a greater or less degree in many other States, and, as the great wave of prosperity in which we are to-day serenely sailing begins to recede and the purchasing power of the people is materially reduced, we are going to see that feeling take shape in a determined effort to correct this particular evil.

When the great coal strike of two years ago was settled on lines suggested by the President, which resulted in a considerable advance in wages paid the operators, we all observed that the mine owners immediately transferred the whole burden, and perhaps a little more, to the public in the increased price of coal. The increased cost of fuel was made the excuse for raising thousands of rates for freight on the different railroads throughout the country, and the increased cost of fuel and freight was made the basis for raising the price on many kinds of merchandise, and the tendency toward higher prices received an impetus at that time which has resulted in years of unusual profit to many corporations and merchants, but which has deprived the people of a large share of the benefits they had a right to expect from the bountiful harvests and the condition of great and general prosperity which the country has enjoyed.

THE DEMAND FOR TARIFF REVISION.

The sense of injustice as felt in this unfair distribution of the results of our years of profit and plenty is undoubtedly the basis of the rapidly growing demand for tariff revision, and the well-understood fact that large corporations have, by combinations, reduced competition and sheltered behind a protective tariff have compelled the people to pay an excessive price for many of the necessities and comforts of life, is undoubtedly the basis of the present activity of our Government against the trusts and combinations. I refer to these well-known circumstances at this point simply to emphasize my belief that this is not a favorable time to inaugurate a period of high prices for shoes. The psychological moment for such action as that has passed. Don't understand me to mean that with materials from 25 to 50 per cent higher than last year manufacturers are to continue to make and sell shoes at old prices. Such a course would be simply suicide. This is what I mean, namely, that whatever advance we shall be compelled to make must be based wholly on economic causes, and the conditions must be such as can not be controlled or avoided. I believe that any advance established on any other basis can not be in any degree permanent, and we all agree that if the increased prices are not to maintain for a considerable length of time they are an unmixed evil for all concerned. Any effort looking to an agreement to advance prices, or any concerted action whatever, on the part of the trade that is going to cost the consumer money, would seem to me to be at this time a serious mistake. We should, on the contrary, accept such of the advance as is already established, and such part of that advance which still seems certain to come, as is based on actual trade conditions, and is therefore necessary and unavoidable, but if any factors in the present situation prove to be artificial, caused by manipulation of any removable cause, we should use our utmost endeavor to undo and remove them.

As this whole question is one of vital importance to every manufacturer, I have naturally given what time I could to an examination of available statistics bearing on this subject. I have talked with well-informed hide men, with tanners and shoe manufacturers, and have listened with great interest to what has been said here by the gentlemen whose experience and opportunities for observation certainly entitled their opinions to great weight, but it hardly seems fair for me to take your time to rehearse the circumstances which seem to have been responsible for present conditions, and I will only say that after the most thorough and careful consideration that I have been able to

give the subject, I remain to-day of the same mind in this respect that I have expressed frequently to many of you, namely, that except for the operation of the tariff, which has had a tendency to keep foreign hides out of this market at a time when they were sorely needed, and which has also increased the cost of all that have been used, both foreign and domestic, by 15 per cent, there is nothing artificial or avoidable in present prices and the general condition of the leather market to-day. As far as the tariff is responsible, you all know that for the past eight years I have done what I could and all that I could to remove that tax, and the rest of the increased price I accept as inevitable.

NO REASON TO EXPECT DECLINE.

In regard to the course of the market for shoes for the immediate future, there seems to be no reason to expect any decline—in fact, most manufacturers must get a very considerable further advance to bring their shoes up to the basis required by the present price of leather. I believe it must be admitted that stocks of manufactured shoes are not excessive, as is usually the case after a season of advancing prices. What small surplus of stock is found in the hands of the retailers on account of freer buying during the past season, and a winter of unusual mildness, will, I believe, be offset by the small stocks on hand in the great majority of the wholesale houses throughout the country. No manufacturer can have a large stock of uncut leather on hand, as leather in advance of needs for actual cutting has not been obtainable for several months. Some have orders in with tanners, and so have a feeling of being well supplied, but these orders are not yet filled, and will, of course, take up leather not yet finished, and will naturally operate to keep the market bare. People still have money to spend and the existing large consumption of shoes will doubtless continue, and if the demand for leather in consequence continues large, as would seem likely, it is difficult to see what conditions can arise to reduce prices at present.

For a more distant period—say two or three years hence—other factors have got to be considered. The shoe industry has occupied a position in this country that not many other lines of trade have established. Ignoring all protection and tariff schedules, it has developed and perfected the process of manufacture to an unequalled extent. It has enjoyed abundant and cheap raw material, and has furnished the people with better and cheaper shoes than have been enjoyed by any other people on the globe. We hear frequently of travelers on their return from trips through Europe bringing home and trying to pass through the custom-house great quantities and varieties of goods for their personal use, which they have secured in the more favorable markets abroad, but we never hear of any of them trying to bring in a pair of shoes. On the contrary, such of them as find themselves in want of footwear while abroad are frequently obliged to journey to a distant city to obtain a pair of American shoes, which are the only sort found suitable and adapted to their educated taste.

Right here let me interpolate a brief statement. During the remarks of our friend Mr. Keith, he stated what all of us who are in the export business at all know to be the fact, namely, that American shoes are sold abroad at higher prices than the same goods in this country; and when he made that statement one of the most sagacious and successful merchants in the shoe business touched me with his elbow and said: "If that is so, what do we want to worry about the tariff on hides for?" That struck me as a very pertinent question, and one that I have been surprised has not been asked before, when we have been before various committees and before the President and others, glorifying ourselves on how cheaply we produce shoes in this country and how much more cheaply than they can be produced anywhere else in the world. It seems singular that no one has thought to ask that question before. But I am going to answer it right now, so that if it is ever asked again we will all have the same answer, if it is the right one. My belief is that the statement made by Mr. Keith is exactly true; but it is true in a greater degree of the goods he manufactures than of the goods of any other manufacturer in any part of the country, and it is true at all only in the grades of goods which he does manufacture. Men's fine shoes, running from \$3 to \$5 per pair, are not manufactured anywhere in anything like our quality and at our prices. There is no competition on those particular grades. If you examine the shoes made abroad, I think anyone who is familiar with the subject will bear me out that when they drop from a strictly hand-sewed custom-made shoe, costing from \$6 to \$8, or \$12 a pair, they come away down below our \$3.50 shoe, down to a good workman's shoe. They have nothing in between. When you come to the ordinary grades of shoes, such a thing as he describes could not take place. Their goods would not sell here, perhaps, because they are rough and coarse and heavy, and not adapted to American ideas; but they can give their wearer fully as much value in the cheaper grades—those below the intermediary grades—as we do. It is for that reason that we should be insistent in demanding the repeal of the duty on hides, so that our export lines might expand. Goods that we can't now export we would in that case be in a better position to forward abroad.

Is it or is it not desirable that this condition continue? I believe most emphatically that it is. Every argument, either economic or patriotic, leads to the same conclusion. All branches of the great hide, leather, and shoe industry in this country to-day undoubtedly recognize the wisdom of maintaining conditions which have made this department of production in the United States the greatest industry of its kind in the world. Many of us feel that the fact that the people have long been able to get good shoes at low prices in this country has been an important factor in the growth and development of our business, without any regard to its bearing on our export trade. No one can dispute the fact that any necessary article that is abundant and cheap will be consumed much more freely than the same article at a higher price; and a business established on the basis of the lowest price for its product that is to be found anywhere is unquestionably on the most permanent and substantial foundation. We must, then, all endeavor to maintain this position of our trade at all hazards.

All are agreed that the duty on hides should be removed, and some of us are laboring, in season and out, to secure the repeal of this tax. Several members of the Massachusetts delegation in the National House of Representatives—and I do not refer to Mr. GILLETTE—are watchful and alert to seize any opportunity that may offer to get favorable action on this subject. A free-hide bill has been introduced by a Republican Member from New York, and two bills by the leader of the Democratic side of the House, and when in Washington last week with several members of your association, we were all gratified to learn that much progress was being made and much sentiment favorable to this measure was being developed; but we learned at that time several other things of great importance to our campaign, and I only refer to them at this time as I believe they vitally affect the future course of the leather market. One of these facts was that it will certainly be

impossible to pass at this session of Congress, or at the next session, a bill for the repeal of this hide tax without the aid of Democratic votes. The Democrats believe in free hides if the duty on shoes can be greatly reduced, but not otherwise.

DEMOCRATS WOULD VOTE FOR FREE HIDES.

I may say, by way of parenthesis, that the Republican party is more divided on that subject than the Democrats. There are districts in the West very strongly for the duty on hides, and it would be impossible to-day to secure more than forty or fifty Republican votes for the free-hide amendment.

We were informed on the very highest authority that almost the entire Democratic representation would vote for free hides if the same bill carried a satisfactory reduction in the duty on shoes. We were surprised to learn in various ways, both through letters from dealers and citizens in different parts of the country, and from statements made by Members of Congress, that there is a mistaken feeling in the country that the repeal of the hide tax is asked so that the profit of manufacturers may be increased, and that the people would get little or no benefit from it unless the tariff on shoes was also repealed or reduced. While, of course, this is clearly an error, it is a fixed belief which no amount of talk or argument will remove, and we must therefore be prepared for a very considerable modification of the tariff on shoes before we can expect to obtain the repeal of the duty on hides.

It is well understood that a very great majority of all the manufacturers in the country are perfectly willing to see the duty on shoes repealed entirely. A minority would prefer to see a small portion of it retained as a protection against possible changes and improvements in the methods of manufacture abroad, which might to some extent endanger this market, so that it is not expected that any serious objection will be made to such a reduction of the duty on shoes as should be necessary to bring about an agreement to repeal the hide tax.

There is, however, one condition which has been generally overlooked, which, when well understood, would peremptorily forbid any such concessions on the part of shoe manufacturers, and that is the existing tariff on leather. As this has heretofore been of no importance to the industry, and of no consequence either to the tanner or the manufacturer, it has been generally ignored; but I ask you to consider for a moment what the condition of the manufacturer would be if, having agreed to the removal or reduction of the duty on shoes, he finds a combination in this country in control of the leather, and prices in consequence forced to such a high point that he can not successfully compete with Europe or Canada. Such a condition as this, of course, must not be permitted. The useless duty on sole leather and many kinds of upper leather must certainly be repealed entirely before any manufacturer in this country would be justified in consenting to a change in the schedule on shoes.

INDORSEMENT WANTED FROM HIDE AND LEATHER INTERESTS.

We have been assured, and believe that the largest interests in control of the hide and leather market have no desire or intention, in their future operations, of enhancing the price of leather in consequence of their combinations. We have, on the contrary, the direct assurance of their officers that such combinations as they undertake will be for the ultimate cheapening of leather through economies in production and the purchase of supplies, and legitimate savings in the management of the business. It is unquestionably necessary at this time that our friends prove their sincerity in an unmistakable manner. I do not make this suggestion in any suspicious or critical spirit. We all know that if a large corporation or copartnership wishes to borrow a sum of money, its officers will make a statement concerning its standing and their belief in its financial soundness to the lender, and it is no reflection whatever on their honesty or good intentions to ask them to indorse the note. It merely crystallizes and puts in tangible form their knowledge and belief concerning its condition. This matter is of such importance to the whole trade that we have a right to ask our friends in the hide and leather business to indorse their statement that they have no thought or intention of taking any advantage of the tariff on leather to enhance the price of their products. The only way in which they can indorse this proposition is by joining hands with us in an agreement to work for the removal of the duty on leather at the same time that the duty on hides is removed and the duty on shoes removed or reduced.

TENDENCY TOWARD A HIGHER LEVEL.

If they are prepared to take this action, and will assist us in our present labors in good faith, I feel sure we can look forward to the readjustment of the tariff on these commodities within a very short time. When that element or factor in the price of leather is removed, there is nothing left for us to be anxious about. I believe it is generally admitted that the tendency in the prices of leather must be toward a higher level from this time on. Facts which have already been mentioned, and for which I can find no sufficient answer, seem to me to be conclusive on that point. Left to itself, we all know the course of the market in any commodity is never steadily in one direction. Prices advance and decline in waves, according to the ordinary laws of trade. If it shall appear that the hide and leather market is in the future to be restrained to some extent by a strong controlling power, so that the ordinary fluctuations shall be less severe; so that instead of being on the crest of a great wave of high prices one season and in the deep abyss of stagnation the next, we shall experience only moderate and reasonable fluctuations, who will say that the trade will be the loser by the change? Given for our protection free access to the markets of the world, I should welcome a conservative controlling influence in the hide and leather market of this country, but with the control established, and without that freedom from tariff restraints in the great raw materials of our industry, there is nothing but suspicion and strife in sight.

THE DUTY ON LEATHER.

Every advance that occurs will be assailed as the machinations of the packers, or a conspiracy of the hide and leather trust. Ordinary business judgment will not avail to successfully grasp all the conditions of such a market, mistakes will be made, and bitterness engendered that it would be much better and wiser to avoid. Until the attitude of the companies now controlling, or which will soon be in control of the hide and leather business of the country, in regard to the duty on leather is known, no intelligent opinion as to the course of the leather market for a period of three or four years is possible. If you were asked how long it would take a man to go from Boston to San Francisco, before answering you would have to know whether he proposed to walk or go on a limited express, and no man can tell what will happen in shoes and leather for the next few years until he knows

whether the business is to be made free to continue its development along the old lines, or whether the Government is to hold us, bound hand and foot, by a duty of 15 per cent on hides and 20 per cent on leather, while a strong combination, without competition, robs us of our money and deprives us at the same time of all chance of maintaining for our trade its present world-wide supremacy.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19750 and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.;

H. J. Res. 179. Joint resolution providing for the improvement of certain portion of the Mississippi River;

H. R. 16575. An act granting a pension to Taylor Bates, alias Baits;

H. R. 675. An act granting an increase of pension to Daniel Morrissey;

H. R. 19100. An act granting an increase of pension to Asa G. Brooks;

H. R. 1148. An act granting an increase of pension to Marion F. Halbert;

H. R. 2014. An act granting an increase of pension to Enoch McCabe;

H. R. 18432. An act granting an increase of pension to David Dirck;

H. R. 19662. An act granting an increase of pension to Joseph Kircher;

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvements at the expense of persons, companies, or corporations," approved May 16, 1906;

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. R. 17133. An act to amend section 558 of the Code of Law for the District of Columbia;

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 18713. An act to validate certain certificates of naturalization;

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 7763. An act granting a pension to James S. King;

H. R. 1420. An act granting a pension to John Nay;

H. R. 8140. An act granting a pension to Lucy A. Thomas;

H. R. 12013. An act granting a pension to Emma Fox;

H. R. 10998. An act granting a pension to Helen G. Powell;

H. R. 6893. An act granting a pension Augusta C. Reichburg;

H. R. 6336. An act granting a pension to Elizabeth A. Ames;

H. R. 2212. An act granting a pension to John B. Johnson;

H. R. 1238. An act granting a pension to Susan R. Stalcup;

H. R. 13967. An act granting a pension to Sophie M. Staab;

H. R. 17102. An act granting a pension to Katherine Studdert;

H. R. 12531. An act granting a pension to Charles Collins;

H. R. 18587. An act granting a pension to Catherine Bausman;

H. R. 19120. An act granting a pension to Eliza E. Whitley;

H. R. 18732. An act granting a pension to James J. Christie;

H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;

H. R. 18324. An act granting a pension to Charles H. Lurger;

H. R. 18235. An act granting a pension to Ida M. Warner;

H. R. 17809. An act granting a pension to William Barrett;

H. R. 14798. An act granting a pension to Lucinda Brady;

H. R. 15856. An act granting a pension to Gordon A. Thurber;

H. R. 19670. An act granting a pension to Maria Rogers;

H. R. 15945. An act granting a pension to Cynthia A. Comp-ton;

H. R. 8660. An act granting a pension to William Mabery;

H. R. 7635. An act granting a pension to Delia Gibbs;

H. R. 7546. An act granting a pension to Edna Buchanan;

H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;

H. R. 7254. An act granting an increase of pension to Isum Gwin;

H. R. 8215. An act granting an increase of pension to Ira Palmer;

H. R. 10808. An act granting an increase of pension to Michael Kearns;

H. R. 19253. An act granting an increase of pension to Charles H. Thompson;

H. R. 19262. An act granting an increase of pension to John Wickline;

H. R. 19272. An act granting an increase of pension to Alice Morrill;

H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;

H. R. 19279. An act granting an increase of pension to Peter Cramer;

H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;

H. R. 19305. An act granting an increase of pension to Almus Harrington;

H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;

H. R. 19351. An act granting an increase of pension to William C. Mankin;

H. R. 19352. An act granting an increase of pension to Philip Killey;

H. R. 19408. An act granting an increase of pension to Elisha Brown;

H. R. 19457. An act granting an increase of pension to Charles H. Prince;

H. R. 19604. An act granting an increase of pension to Beverly McK. Lacey;

H. R. 19686. An act granting an increase of pension to Orrin S. Rarick;

H. R. 11780. An act granting an increase of pension to Charles Stair;

H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;

H. R. 19242. An act granting an increase of pension to Anthony W. Miller;

H. R. 18911. An act granting an increase of pension to Frances Becker;

H. R. 18974. An act granting an increase of pension to Minna Hildebrand;

H. R. 18997. An act granting an increase of pension to Josephine Hardester;

H. R. 18954. An act granting an increase of pension to John E. Minnick;

H. R. 18956. An act granting an increase of pension to Joseph Scattergood;

H. R. 19009. An act granting an increase of pension to Lafayette H. McClung;

H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;

H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;

H. R. 19025. An act granting an increase of pension to Milton McFarland;

H. R. 19026. An act granting an increase of pension to Mary Navy;

H. R. 19033. An act granting an increase of pension to Moses S. Rookwood;

H. R. 19043. An act granting an increase of pension to Sarah V. Malone;

H. R. 19047. An act granting an increase of pension to Susan C. Smith;

H. R. 19061. An act granting an increase of pension to Mary E. Mundy;

H. R. 19068. An act granting an increase of pension to William Adams;

H. R. 19099. An act granting an increase of pension to Columbus Cox;

H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;

H. R. 19121. An act granting an increase of pension to Isaac Overton;

H. R. 19128. An act granting an increase of pension to Alexander McAllister;

H. R. 19130. An act granting an increase of pension to Larsey Bolt;

H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;

H. R. 19179. An act granting an increase of pension to Eliza A. Smith;

H. R. 19217. An act granting an increase of pension to William H. Burns;
 H. R. 19220. An act granting an increase of pension to Calvin Corsline;
 H. R. 19221. An act granting an increase of pension to Emma Byles;
 H. R. 19222. An act granting an increase of pension to Catherine Warnock;
 H. R. 19238. An act granting an increase of pension to Daniel S. Conover;
 H. R. 18462. An act granting an increase of pension to Samuel Dailey;
 H. R. 18523. An act granting an increase of pension to Hugh Reid;
 H. R. 11217. An act granting an increase of pension to Jordan H. Banks;
 H. R. 11422. An act granting an increase of pension to George B. True;
 H. R. 11655. An act granting an increase of pension to Theodore Cole;
 H. R. 11811. An act granting an increase of pension to John Kamerer;
 H. R. 11888. An act granting an increase of pension to Heman A. Harris;
 H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;
 H. R. 12347. An act granting an increase of pension to Samuel Palmer;
 H. R. 13032. An act granting an increase of pension to Stewart McKeney;
 H. R. 13058. An act granting an increase of pension to Thomas J. Baum;
 H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;
 H. R. 13318. An act granting an increase of pension to Odom Butler;
 H. R. 13466. An act granting an increase of pension to Albert H. Bradish;
 H. R. 13609. An act granting an increase of pension to Charles H. Guile;
 H. R. 13631. An act granting an increase of pension to James H. Morrill;
 H. R. 13652. An act granting an increase of pension to William O. Tobey;
 H. R. 13949. An act granting an increase of pension to Mary A. Duryea;
 H. R. 13998. An act granting an increase of pension to John C. Barnwell;
 H. R. 14107. An act granting an increase of pension to Isaac Maines;
 H. R. 14163. An act granting an increase of pension to Jerome Lang;
 H. R. 14323. An act granting an increase of pension to Thomas Thornton;
 H. R. 14345. An act granting an increase of pension to Peter Noblet;
 H. R. 14505. An act granting an increase of pension to John L. Clifton;
 H. R. 14544. An act granting an increase of pension to William A. Carroll;
 H. R. 14554. An act granting an increase of pension to John Welch;
 H. R. 14558. An act granting an increase of pension to Martha L. Wood;
 H. R. 14705. An act granting an increase of pension to Alva Beebe;
 H. R. 14774. An act granting an increase of pension to Levi M. Hall;
 H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;
 H. R. 15502. An act granting an increase of pension to Harmon Houck;
 H. R. 15547. An act granting an increase of pension to Henry D. Duffield;
 H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;
 H. R. 15674. An act granting an increase of pension to Susan Campbell;
 H. R. 15676. An act granting an increase of pension to Samuel B. Smith;
 H. R. 16411. An act granting an increase of pension to Newton Moore;
 H. R. 16571. An act granting an increase of pension to Mary L. Overley;

H. R. 16613. An act granting an increase of pension to William C. Fox;
 H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;
 H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;
 H. R. 130. An act authorizing the extension of Kalorama road NW.;
 H. R. 7226. An act for the relief of Patrick Conlin;
 H. R. 1572. An act for the relief of Thomas W. Higgins;
 H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;
 H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock dam in aid of navigation in the White River, Arkansas, and for other purposes;
 H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;
 H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;
 H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;
 H. R. 14795. An act amending chapter 863, volume 31, of the Statutes at Large;
 H. R. 17600. An act to grant authority to change the names of certain sailing vessels;
 H. R. 18666. An act to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes;
 H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Okla.;
 H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River;
 H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi; and
 H. R. 19519. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5545. An act granting an increase of pension to Margaret Brannon—to the Committee on Invalid Pensions.

ADJOURNMENT.

Then, on motion of Mr. CAPRON (at 11 o'clock and 21 minutes p. m.), the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report as to distribution of expense of improvement of Black Rock Harbor and channel, New York—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report of examination and survey of Wolf and Jordan rivers, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Beverly Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of stone pier at Piermont, N. Y.—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20404) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 5066); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20405) to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 5067); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20407) to authorize the Baldwin & Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas, reported the same without amendment, accompanied by a report (No. 5068); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the House resolution (H. Res. 624) requesting the Secretary of War for a statement relating to permits, etc., in or adjacent to the St. Marys River, reported said resolution, accompanied by a report (No. 5070); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6167) to improve the channels along the New Jersey seacoast, reported the same without amendment, accompanied by a report (No. 5073); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 177) authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas, reported the same without amendment, accompanied by a report (No. 5077); which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20461) to reinstate Kenneth G. Castleman as a lieutenant in the Navy, reported the same without amendment, accompanied by a report (No. 5074); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURTON of Ohio: A bill (H. R. 20464) to increase the efficiency of the International Waterways Commission—to the Committee on Rivers and Harbors.

By Mr. BENNET of New York: A bill (H. R. 20465) to validate certain certificates of naturalization—to the Committee on Immigration and Naturalization.

By Mr. GILBERT of Kentucky: A bill (H. R. 20466) in aid of the Arizona Land, Irrigation and Development Company, and to enable it to irrigate certain lands in Pima County, Ariz.—to the Committee on the Public Lands.

By Mr. HINSHAW: A bill (H. R. 20467) to amend section 14 of an act of Congress of March 3, 1879—to the Committee on Post-Offices and Post-Roads.

By Mr. WILLIAMS: A joint resolution (H. J. Res. 184) directing the Secretary of War to require the Panama Canal Commission and the Panama Railroad Company to abolish certain Government boarding houses on the Isthmus of Panama

and to put out to the lowest responsible bidder the privilege to board and feed employees, and so forth, on the Isthmus—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A resolution (H. Res. 623) suspending section 2 of Rule XXIX for the remainder of the session—to the Committee on Rules.

By Mr. BURTON of Ohio, from the Committee on Rivers and Harbors: A resolution (H. Res. 624) requesting the Secretary of War for a statement relating to permits, etc., in or adjacent to the St. Marys River—to the House Calendar.

By Mr. BROUSSARD: A resolution (H. Res. 625) for an investigation of the delay in the completion of the lock at Plaquemine, La.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 20468) for the relief of Alphonse Lacour, heir of Armand Lacour, deceased—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 20469) authorizing the appointment of George W. Budd, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 20470) granting an increase of pension to James W. Barr—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 20471) for the relief of H. S. Day—to the Committee on Military Affairs.

By Mr. HIGGINS: A bill (H. R. 20472) granting an increase of pension to Abram Geer—to the Committee on Invalid Pensions.

By Mr. GILBERT of Kentucky: A bill (H. R. 20473) for the relief of J. Knight Lowery, of Wilmore, Jessamine County, Ky.—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 20474) to refund Joseph C. Bender the sum of \$878.87, stolen from the post-office at the National Military Home, Ohio, by burglars without fault or connivance of said Bender—to the Committee on Claims.

Also, a bill (H. R. 20475) granting a pension to William W. Morrow—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20476) granting an increase of pension to Augusta J. Bush—to the Committee on Pensions.

Also, a bill (H. R. 20477) for the relief of the estate of Richard N. Kittles, deceased—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 20478) granting an increase of pension to Thomas Johnson—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 20479) granting a pension to Christena Elliott—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Harlem Civic Club of New York, against passage of the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of Travelers' Protective Association of America, against exemption of express companies from provisions of the railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMAR: Petition of citizens of Cromanton and Jackson County, Fla., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Journal, the Stockman, and R. W. Storrs, of Pensacola, Fla., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Alphonse Lacour, heir of Armand Lacour—to the Committee on War Claims.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Joseph P. W. R. Ross—to the Committee on Military Affairs.

By Mr. STERLING: Paper to accompany bill for relief of Susan B. Blanchard—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of citizens of Beaver Dam, Wis., against a parcels-post and postal-check currency law—to the Committee on the Post-Office and Post-Roads.